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Law enforcement response to domestic violence cases in the context of the COVID-19 crisis in the Republic of Moldova

IN-DEPTH STUDY



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ABBREVIATIONS

NAPH	National Agency for Public Health
CC	Criminal Code of the Republic of Moldova
CCRM	Contravention Code of the Republic of Moldova
WLC	Women's Law Center
CFM	Center for Forensic Medicine
MDT	Multidisciplinary team
FE	Forensic examination
GPI	General Police Inspectorate
PI	Police inspectorate
MIA	Ministry of Internal Affairs
MHLSP	Ministry of Health, Labour and Social Protection
WHO	World Health Organization
PO	Protection order
ERO	Emergency restraining order
CIO	Criminal Investigation Officer
Service 112	Single emergency service 112
NSS	Neighborhood Surveillance Sectors Hotline <i>Free telephone support service for victims of domestic violence</i>
DV	Domestic violence
VDV	Victim of domestic violence
SV	Sexual violence
VSV	Victim of sexual violence

INTRODUCTION

The emergence and spread of the new type of coronavirus, also dubbed SARS-CoV-2 and more widely known as COVID-19, has been and remains for an indefinite period of time a global public health threat. This led most states of the world to impose measures to prevent the spread of infection, including the Republic of Moldova. Thus, to mitigate the risks of mass contamination, through Parliament decision no. 55 of 17.03.2020, the Republic of Moldova declared a state of General Emergency from March 17 to May 15, 2020¹.

This situation provided for:

- remote organization of the educational process at all public and private levels (preschool, general, vocational and university education);
- establishment of a special entry and exit regime in the country;
- establishment of a special working regime for all entities;
- prohibition of holding assemblies, public demonstrations and other mass actions.

Subsequently, between May 16 and June 30, 2020, the first state of emergency in public health was instituted, and then prolonged several times, ²being valid at the time of writing the present study. In this context, the Ministry of Health, Labour and Social Protection, together with the National Coalition «*Life without violence*», has developed Recommendations with regard to the response to cases of domestic violence in the context of COVID-19 pandemic. They are aimed at professionals with expertise in the field and ensure effective intervention in these situations³.

Although activities in all areas, including economic ones, has gradually resumed and measures have been relaxed, it remained mandatory to maintain social distance, wear protective masks in enclosed spaces, commercial spaces, public transport or where it is impossible maintain physical distance. Recommendations to avoid crowded spaces, gatherings in larger groups, to comply with sanitary rules of sanitization and disinfection also remained in force. The new education year 2020-2021 began in a special regime, taking into account the epidemiological context in the country. All these restrictive measures, applied during the period of general emergency and in the period of repeated public health emergencies, but also the specific rules of individual protection that must be respected are felt most difficult by people who are also vulnerable or are in risk groups.

Although there are several categories of population that have suffered, in this evaluation we focused our attention on women affected by domestic violence and how effective was police intervention in cases of violence. It is for this category that self-isolation in the house, together with the aggressive partner, carries the greatest risks, the probability of escalation of violence is imminent. And this is because, on the one hand, in pandemic conditions, the possibilities of victims to report cases of violence through reporting to police were far too limited, sometimes even impossible. According to data published by the General Police Inspectorate (GPI), during 2020, police registered 2,453 cases of domestic violence. Based on these, 866 criminal cases

¹ https://www.legis.md/cautare/getResults?doc_id=120817&lang=ro

² Decision no. 11 of May 15, 2020 of the Extraordinary National Commission on Public Health.

³ <http://mmpsf.gov.md/ro/content/recomandari-cu-privire-la-raspunsul-la-cazurile-de-violenta-familie-contextul-covid-19>. <http://mmpsf.gov.md/ro/content/recomandari-cu-privire-la-raspunsul-la-cazurile-de-violenta-familie-contextul-covid-19>

were initiated, and 1,587⁴ cases met the constituent elements of a contravention. At the same time, compared to last year, in 2020, the number of emergency restraining orders issued increased by 14 percent. On the other hand, even though police know how to intervene in cases of domestic violence, according to the data of the Hotline for girls and women of the International Center «La Strada» 0 8008 8008, during the period of the state of emergency, police acted unevenly and, at times, to the detriment of the victim of domestic violence.

In large, this happened precisely because of the fact that Order no. 360 of August 8, 2018 of the GPI does not provide exact guidelines for the intervention of police in a state of emergency. That is why, in 2020, law enforcement had to adapt their intervention algorithm to the COVID 19 pandemic crisis in cases of domestic violence.

Precisely taking into account these realities, the current research aimed to identify what exactly has changed in police intervention, what were the best practices, but also what were the challenges of law enforcement response to cases of domestic violence in the context of COVID-19 crisis.

METHODOLOGY

To achieve the goal, a methodological approach focused on the analysis of three basic sources was proposed:

- interviews with representatives of law enforcement agencies from different districts of the country, heads of police inspectorates (PI), as well as heads of public security departments;
- interviews with representatives of organizations specialized in providing legal assistance to victims of domestic violence – Women’s Legal Center (WLC) and «Promo-Lex» Association»;
- qualitative analysis of calls received during the pandemic to the *Hotline for victims of domestic violence and domestic violence* (hereinafter – Hotline), especially aspects concerning intervention of police and how it was felt by victims of domestic violence.

Questions included in the **Interview guide, applied research tool**, specially developed in this regard, were formulated in such a way as to ensure a direct connection with the «*Methodical guideline on police intervention in preventing and combating cases of domestic violence*», approved by the General Police Inspectorate through Order No. 360 of August 8, 2018. Thus, when conducting interviews, attention was given to:

- data collection about how Order No. 360 of the GPI was implemented during the COVID -19 crisis;
- identification of best practices, but also what were the challenges in organizing the response to cases of domestic violence in the context of pandemic;
- identification of gaps in the implementation process of GPI order no. 360, but also what were the solutions used during the pandemic.

The sample of police officers included 15 representatives (10 men and 5 women) from police inspectorates in 15 districts of the country: North (Donduseni, Edinet, Ocnîța, Balti, Glodeni, Briceni), Center (Straseni, Calarasi, Nisporeni, Criuleni, Rezina)

⁴ <http://antiviolența.gov.md/wp-content/uploads/2020/08/Raportul-pentru-anul-2019-cu-privire-la-violența-n-familie-.pdf> (accessed 10.02.2021).<http://antiviolența.gov.md/wp-content/uploads/2020/08/Raportul-pentru-anul-2019-cu-privire-la-violența-n-familie-.pdf> MHLSP Report for 2019 on domestic violence.

and South (Cimislia, Cahul, UTA Gagauzia, Comrat). The interviewees were appointed by the General Police Inspectorate, following the request of the International Center «La Strada» to delegate police from mentioned regions, who have intervention experience in relation to cases of domestic violence. The interviews were conducted from 7 to 30 December 2020

Analysis of information obtained from interviews was aimed at generating a set of practical recommendations on police intervention in crisis situations, by standardizing the law enforcement response practice to cases of domestic violence. In the same context, the consultation of organizations specialized in providing legal assistance to victims of domestic violence, as well as the analysis of the content of calls received via the Hotline, aims to affirm or disprove realities offered by police officers.

For a more convenient use, the results of the study – **conclusions and recommendations** – are presented in such a way as to reflect the structure of Order No. 360 of GPI. We hope that this source will become useful to specialists, and the proposed recommendations will help standardize police intervention, so as to ensure a complex response, aimed at protecting victims of domestic violence, regardless of the region in which they are in the context of the public health crises. Moreover, as we are still fighting the pandemic caused by the new coronavirus, we cannot exclude the occurrence of such situations in the future.

ACKNOWLEDGEMENTS

We would like to thank all the beneficiaries who contacted the Hotline and shared their experiences, the problems they faced during this period.

We express our gratitude to representatives of law enforcement agencies for their contribution to this study, participation in the interviews and the GPI management for their openness and support.

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I. POLICE INTERVENTION IN CASES OF DOMESTIC VIOLENCE

1.1. Informing police and registration of domestic violence cases *Identifying, registering and reporting cases of domestic violence*

21. In case of committing acts of domestic violence, police will act on the basis of a verbal, written report, or telephone call «112», received by police on duty/ dispatch, or other request received by police.

GPI Order no. 360. CHAPTER II. Police intervention in cases of domestic violence

Section 1. Informing police and registration of domestic violence cases

49. The intervention of police officers in solving cases of domestic violence takes place in an operational manner. They react promptly to the information, addresses and reports received, respecting the provisions of the legislation in force and international treaties to which the Republic of Moldova is party, ensuring respect for human rights, interests and fundamental freedoms.

50. In cases of domestic violence, justice is carried out to ensure «**the best interest of the victim (children, women, elderly, people with disabilities)**».

GPI Order no. 360. CHAPTER II. Police intervention in cases of domestic violence

Section 2. Intervention of police in the resolution of cases of domestic violence

Official data published by the GPI shows that during 12 months of 2020, nationwide, police registered **12,970** requests, related to other information on crimes and incidents regarding conflicts within the family of which **2,453** cases were confirmed. In other words, the difference between confirmed and suspected cases constitutes **10,517 reports**, which means 81% unconfirmed reports of domestic violence. At the same time, out of a total of 2,453 confirmed cases, 866 (35.3%) cases had the elements of an offense, and 1,587 (64.7%) – had the elements of a contravention.⁵ Compared to 2019, the number of registered cases of domestic violence decreased by 4.54%, and of cases that had the elements of an offense – by 10.63%.

When it comes to the dynamics of cases of domestic violence between March and October 2020, 9 out of 15 respondents spoke about an increase in their number, even though it was not a significant one. Other three policemen spoke about a stable number of reported cases, the rest reported a decrease in their number. Some representatives of law enforcement agencies do not create a link between the emergency situations declared at the country level to the higher number of requests and mention a better awareness of citizens regarding the procedure of calling the police. Others blame the pandemic for this. «*In fact, husbands and wives, partners lived together during the pandemic period. The period was complicated – economic crisis, lack of jobs. Namely the pandemic situation forced both the perpetrator and the victim to stay at home under*

⁵ https://politia.md/sites/default/files/ni_privind_infraactiunile_ce_atenteaza_la_viata_persoanei_si_cele_de_violenta_in_familie_pentru_2020_pagina_web_a_igp_0.pdf. Information note on the status of delinquency that threatens life and health of the person and those committed in the sphere of family relations during 12 months of 2020.

the same roof. There has been an increase in the number of perpetrators who abuse alcohol. And this happens in about 80% of cases,» explained one of policemen.

All respondents pointed out that, as a rule, cases of domestic violence were identified through the Single Emergency Service 112 (hereinafter – Service 112), to which citizens call directly, although there are situations in which victims call directly police officers from the department who knew the situation, knew the conflict and already intervened with emergency restraining orders or protection orders.

Unlike the period before the pandemic, prior to responding to any call, police mentioned the need to check the *Kasper database*⁶ or use the dispatch service if people are not quarantined, including contacting the medical unit to see if they are not infected and are being treated at home. These are both primary and repeated enquires. If the person has already addressed and knows exactly the procedure, then he goes directly to police. If the victim calls the officer directly, he will go to the scene and notify the squad. In such situations, a report is submitted with the time, date and details of the case.

Another method of documenting cases of domestic violence are reports either written by victims or by other family members, or received by telephone. While some respondents said they had reports from local public authorities, others spoke about health workers as being more active and not at all about mayors or social workers. Thus, although they mentioned that the ambulance did not always come as quickly as they would have liked, namely during this period, more than ever, law enforcement authorities referred to reports coming especially from medical workers. *«Even though they were in great demand during this period, doctors were very active. Women often would not say what had happened to them, but based on their own observations, doctors would automatically inform the police. Even if they don't tell the truth, we cannot tell if they fell or were assaulted. Many of them admit that they were very patient and believed that no one would do anything. We inform her and try to convince her to act.»*

Although one of the respondents specified that *«people have become more civilized and announce if something happens to neighbors»*, however most of the people with whom we talked said that neighbors call law enforcement less often, but they are the ones that victims usually go to in order to call the police. *«Neighbors or witnesses would report less because they consider it a family business. Rarely will neighbors work with law enforcement to help investigate the case or even offer help to the victim. The pandemic did not make neighbors more responsible. Neighbors don't want to get involved. They do not even want to be witnesses – they tell this to us immediately.»*

Although most of the interviewees mentioned that they did not notice any peculiarities in relation to cases during this period, two of them said that more new cases have now been registered. While fewer victims were registered in 2019 but who addressed more than once, in 2020 the number of direct reports from victims increased, including requests which required police officers to conduct only prophylactic discussions. *«Many victims file complaints and in two more days they file a request not to hold the aggressor accountable. Victim refuses to undergo the forensic examination. In fact, there were several reports, but many of them withdrew their complaints. They just want to scare the perpetrator off.»*

On the other hand, the policemen who spoke about the decrease in the number of cases of domestic violence said that they do not see a link with the pandemic, the

⁶ Kasper database is an internal toll used by police officer to check the information about any isolation measure applicable in pandemic context.

reasons cited are different however. Thus, a police officer in the north of the country mentioned that the analyzed period coincided with the period of agricultural activities. *«In the north, field work is the main occupation. Perpetrators were busy with farm work and did not have much time to go out for a beer in the village or drink with the neighbor. Usually this happens during the winter holidays and then we have many cases»*, said the policeman.

Other respondents said that this decrease is due to *«efforts made in the prevention work»* that they carry out, and due to information about the protection measures and penalties in case of perpetrators, but also because they have begun to issue emergency restraining orders (ERO). *«Cases are decreasing because work is being done. During the pandemic, we were checking families that were already on the record. There were also some more specific cases that happened in «good families», where you would not think that violence was possible. Anyway, the number of domestic violence cases has started to decline since we started issuing ERO. We're talking to the perpetrator. We inform him about the consequences. They know what are the consequences for them,»* the officer said, noting that mature women are much harder to convince to file a complaint than young girls, who immediately call 112.

Complexity of domestic violence cases

The phenomenon of violence has not changed, it has remained the same, as well as the needs of victims, which have remained the same – it is the common assessment offered by 13 out of 15 police officers we have spoken to. Absolutely all spoke about the initiation of both criminal and, in particular, non-criminal cases. At the same time, when it comes to the complexity of cases in this period, the perception of respondents from police was different. For some victims the cases were easy ,» with insults, quarrels over money and a few small slaps», while others complained about how the pandemic and movement restrictions, both partners being in the house, losing their job, poor financial condition, closed kindergartens and, last but not least, the fear of getting sick, made them double vulnerable to domestic violence.

Several police officers pointed out to the fact that women, victims of domestic violence, are not always open to talking about what is happening to them or about the withdrawal of complaints filed with police. *«They are open at the beginning, when they make a complaint, during the first days when the case and circumstances are investigated. But later, they withdraw their complaint, refusing to cooperate with police. They come to normalize the phenomenon of violence and continue to live like this, not wanting to get the case to court. Usually, the woman says that violence has been going on for many years, but she does not want to take the dirty laundry out of the house. Sometimes violence is detected by chance, with the help of the doctor. We are taking baby steps, we are convincing her to call the police.»*

Although they mentioned that the phenomenon of domestic violence remained unchanged, citing alcohol consumption among key causes, respondents said that it was during this period that violence occurred in exemplary families. *«A responsible man who takes care of family, children. He works in the field. The wife came from Italy. When she would come home for two weeks, everything was fine. But now because she stayed longer, the quarrels, fights started. The victim called the ambulance, in turn the ambulance called the police, « one of the policemen said.*

When asked about the challenges, absolutely all respondents spoke about the difficulties related to compliance with protective measures. They pointed out that this period was different not because the cases would have been more complicated, but because it was more difficult to document the procedure that «*moved from inside the house to outside*», admit some of the respondents. «*We had to equip ourselves with masks, gloves, everything. There are also socially vulnerable families living in unsanitary conditions and they have no idea of masks and protection, they do not equip themselves with anything. We were risking our own health as we could get infected.*»

In each case of domestic violence, in order to go to the scene, the duty officer had to check if persons are quarantined or are in self-isolation, and if they have not been infected with COVID-19. «*We also had situations where we had to intervene urgently and we were no longer waiting for the duty officer to check whether or not these people were infected. We would go and when we arrived or when we were on the scene, we were informed about the state of affairs. There were PPE in every car. It was necessary to thoroughly equip ourselves. It was very difficult to work in protective suits.*»

Another difficulty reported by respondents refers to the need to transport the perpetrator to the hospital reception section to perform the alcoscopic test, a procedure that became longer precisely because the doctors were forced to carry out all disinfection measures.

Requesting forensic medical examination

63. If acts of physical violence have taken place, the representative of police or the criminal investigation body will provide the victims immediately or as soon as possible with a form for a forensic medical examination in order to establish the severity of the bodily injuries sustained.

GPI Order no. 360. CHAPTER II. Police intervention in cases of domestic violence
Section 2. Intervention of police officers in the resolution
of cases of domestic violence

For a qualitative processing of a domestic violence case, the existence of a forensic medical report is an essential piece of evidence. According to police, even during the coronavirus pandemic, absolutely all people had access to this service.

«*There were no problems*», «*Forensic examiner was working permanently*», «*In all cases of violence we directed victims to forensic examination*», «*If the victim did not have money to travel, we helped her*», «*We accompanied them to the forensic examiner*», «*If the victim had no means of transportation, we took her by car*», said most of the policemen with whom we discussed when they were asked if they referred them to forensic examination.

«*Usually, those who contact forensic doctors directly are people with mild or insignificant trauma*», the respondents reported, stating that in cases with medium or serious injuries there is no need for direct contact of the victim with the doctor from the forensic examination. In these cases, one benefits from the assistance of specialist doctors, at the hospital or at the medical units, forensic medical report is drawn up on the basis of medical documents and the patient's record of illness where all traumas are described. «*Every victim had access. Our forensic examiner is in the hospital. At each call, police was in personal protective equipment, suit, mask, glasses. The emergency department was also protected. At the medical unit, when triage was done, the same was*

done. The person submitted the form and went to a special room where he/she was examined. If we have information from the medical unit, we do not even send them to the forensic examiner for the reason that we have the medical records».

One of the difficulties that were described was in relation to the lack of a forensic examiner in each district, which implied a greater distance to travel, which initially discouraged the victim to obtain this document. However, if a forensic examiner serves four districts, for example, a preliminary appointment is also needed to ensure that travel will not be in vain.

Another cause of refusal of women to travel to obtain the forensic medical report was the fear of getting infected with COVID-19, since medical institutions were viewed as the main sources of infection. However, when asked about the challenges, 90 % of those surveyed said that the documentation of domestic violence cases was hampered not so much by the pandemic, as by the attitude of victims of domestic violence. About 30 % of them did not reach the forensic examiner. «Police provides the form, but it is up to the victim whether she goes or not. Even though in the beginning they agree, later on when called by police, they allege a number of reasons: either they don't have the money for the trip, even if it costs 7 MDL, or they do not want to go, or they do not have the time, or they forgot, or, in other instances they go to the forensic examiner two weeks after, when there are no marks. We are looking for them, find them and bring them to the forensic doctor so that we could still find bruises ,» explained one of the officers of the police department, adding that there are also cases when in the meantime, they make up with the husband, or there are situations when she says to the doctor that she had fallen, or that she does not remember what happened to her. In this regard, several police officers opted to remove the obligation of preparing the forensic report in cases documented under art. 78 (1) CC of RM⁷, which would ensure a certain punishment for the perpetrator.

1.2. Intervention of police officers in the resolution of cases of domestic violence

Identification and dynamics of cases of domestic violence involving child victims. Informing guardianship authorities

64. By stating that domestic violence occurred in the presence of the child/children, an employee of police shall perform the actions required to eliminate the imminent danger to the life, health and physical integrity of the child, and over the course of 24 hours, will refer the child/children to the case manager or other professional (social worker, a psychologist, a guardianship authority), to organize the interview for the protection and resolution of identified issues and issuance of the report of suspected abuse case, neglect, exploitation and trafficking of children.

⁷ Contravention Code of the Republic of Moldova

Article 78. Injury to bodily integrity

(1) Ill-treatment or other violent actions that have caused minor harm to bodily integrity is punishable by a fine from 15 to 30 conventional units or unpaid community service from 20 to 40 hours, or contraventional arrest from 5 to 10 days.

Article 78¹. Domestic violence

Ill treatment or other violent acts committed by one family member in relation to another family member which have caused minor injury to bodily integrity is punishable by unpaid community service from 40 to 60 hours or arrest from 7 to 15 days

68. If, as a result of the risk assessment, it is found that there is an imminent danger to the life or health of the child, police will provide assistance to the guardianship authority in whose range the child is located, in accordance with provisions of art. 9-10 of Law No. 140 of 14.06.2013 on the special protection of children at risk and children separated from their parents, ensuring in this regard the procedures provided for in Section. point (a) 15-21 of the Instructions on the intersectoral cooperation mechanism for the identification, evaluation, reports, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking, approved by Government Decision No. 270 of 08.04.2014.

GPI Order no. 360. CHAPTER II. Police intervention in cases of domestic violence
Section 2. Intervention of police officers in the resolution
of cases of domestic violence

Half of respondents with whom we communicated said that they had no cases of domestic violence in which children were directly involved, while others mentioned that they did not notice any dynamics in this regard, the number of cases remaining constant or even decreasing. They also stated that *«pandemic did not influence anything, the child has priority, having all the necessary services, even if many of them were operating remotely»*. Practically all of them referred to certain single cases, avoiding talking about any trends in this regard.

There were also responses in which respondents indicated that they had acted perfectly, according to the procedure. When the mother was a victim and violence occurred in the presence of children, the legislation in force was taken into account, the perpetrator was removed from the family, and children, together with the mother are offered protection and they remain at home. *«When they call police, women do not say anything about children. After travelling home, we analyze who the victim is and identify if there are children and if they were witnesses or victims of violence. We're talking to the minor. Thanks to the campaign «Offer a smile to children», we give them a teddy bear, thus establishing the rapport with the minor. In case of direct violence, the reporting form is sent to local authorities. Then we do everything. The child does not stay neglected.»*

With regard to the adjustment of procedure for intervention in such cases, respondents who managed such cases indicated that there weren't any changes. In cases where it was necessary, psychologists from the Psycho-Pedagogical Assistance Services and Directorates of Social Assistance and Protection of Children were involved, the preparation of psychological assessment reports was requested. If the psychologist finds serious consequences from abuse, then children and mother are offered psychological assistance and counseling. *«Multidisciplinary teams met on cases involving minors, cases were discussed. In all cases involving minors we invite the mayor, even though many of them happen at night. Work was done, even though it was hard»*

A case of domestic violence involving a child where there is an imminent danger to his life and security, involves the mandatory reporting to the guardianship authority – initially by phone and subsequently, within 24 hours, the report is sent. Since several specialists were working from home, the report was sent by e-mail. Where due to infections, mayoralities were quarantined, other specialists were involved. The interviewees showed that usually a written and telephone report was made to the guardianship authority. The case was evaluated and if violence was confirmed, ERO was issued, and the perpetrator was removed from the house. The mother with children remains at home in safety. In the context of adjusting the procedure for issuing reports

to the guardianship authority, one of the respondents stated that she had found the optimal solution to «shorten» the route and urgently involve the guardianship authority. *«Until one fills out the report, until you send it to the Directorate, until the SAD sends it to the local authorities, it takes a long time. That's why, on such cases, I would go directly to the mayoralty. I would fill out the form on the spot. I would register it with an entry number and, as the other specialists were in the city hall, we intervened on the spot».*

With the exception of five respondents, the rest of police said they had no cases where it was necessary to remove the children from the family or place them in another safe place. However, when it was necessary to do so, the situation was difficult. And this is because, on the one hand, the number of centers, in principle, is small, and, on the other hand, they were operating under quarantine. *«As a rule, even before the pandemic, we placed children in the hospital during the emergency period. I know that's not good, but we don't have much choice. Only in one case this was anyway inevitable because the minor had a fracture from the beatings received from his father. However, it is the task of the LPA to place children in a center, including deciding in which family the child goes»*, concluded the inspector for minors from a district Inspectorate.

1.3. Mechanism for finding and assessing risks in cases of domestic violence

75. In cases of domestic violence, police or the prosecution body, present at the scene, will assess the risk by interviewing the subjects of domestic violence (the victim) regarding the risk factors, which generate domestic violence or which may favor the escalation of acts of violence and abuse on victims.

76. The interviewing usually represents a set of questions in the process of documenting the case of domestic violence, included in the form, which will be answered both by the victim and by other persons or another specialist who comes into contact with the victim or her family (annex no. 3).

GPI Order no. 360. CHAPTER II. Police intervention in cases of domestic violence
Section 3. Mechanism for finding and assessing risks in cases of domestic violence

In terms of how to assess the risks during the pandemic, all respondents mentioned that this exercise – finding and assessing the risks in cases of domestic violence was done at the scene by going to the house of the victim and completing the risk assessment questionnaire on the scene, but with maximum caution regarding compliance with protection measures and social distance. Only in exceptional situations the perpetrator was called to police. However, even in these situations, larger offices were chosen to allow for the social distancing. The only difference from other periods is that the questionnaire contained the question whether the victim or perpetrator had COVID-19.

Half of respondents reported that in the regions where they work there is a common practice regarding calls related to domestic violence, two specialists should be present; one talks with the victim in one room, and the second with the perpetrator in another room. When space does not allow – it is too small, the discussion with the perpetrator is done outside in open air. Both the victim and the perpetrator are informed of their rights, both sign that they have become aware of that information.

For the collection of information, the protection interview was used in order to determine the degree of risk. If the risk was moderate or high, regardless of the wish of the victim, an emergency restraining order was issued. *«Even if the questionnaire indicated low risk we had cases when employees of the inspectorate issued ERO to ensure the safety of the victim; there are situations in which having analyzed the behavior of the perpetrator, the policeman understands that the quarrel and uncensored words thrown at the victim can evolve into beatings. In such cases, ERO would be prepared for a period of up to five days, during which time the offender was being monitored and verified on the spot »*, said one of the respondents, mentioning that during the daily telephone conversations with the offender he is warned about the consequences of violations of ERO and the penalties to be imposed. *«When moving to the scene, police has the obligation to assess the situation, to determine exactly who is the perpetrator and who is the victim of domestic violence, whether or not the intervention of doctors is needed,»* explained another policeman, stating that effective work with the victim only takes place if the perpetrator is removed from the room. And that is because women are afraid to admit in the presence of the perpetrator that they are being assaulted because they do not know what will come next. Subsequently, once ERO is issued, parties are informed of their rights they may benefit from. The perpetrator is informed of the consequences of non-compliance with the order, being urged to collect the clothes he will need during the period when he does not have the right to approach the house. There was only one case, admitted one of the respondents, in which it was necessary to issue ERO to the perpetrator who returned from abroad and was in isolation. They could not remove him from the house, and it was decided to move the victim and minor children from the house, therefore all have been placed with close relatives.

When asked if they had situations where domestic violence subjects were in quarantine or self-isolation, half of the interviewees said they had not faced such situations, while the other half admitted that they had such cases. For the latter the biggest problem was documenting those subjects, having to equip themselves properly. *«From discussions with other colleagues, they communicated that we had a case of domestic violence, they were in self-isolation, coming from abroad. I had to put on my protective suit and then look for where to destroy these suits.»*

However, when referring to this issue, respondents acknowledged that they usually considered the possibility of housing women and minor children with relatives. In some cases victims themselves proposed/preferred to leave the house, rather than to take the perpetrator out of the house, saying: *«Let him stay here, I leave because I have where to go – to the parents, to the sister, to a relative»*. Moreover, if the house is the property of the perpetrator, especially inherited from his parents or grandmother, he is shocked that he has to leave the house. *«In such cases we explain to the perpetrator what the law provides, but sometimes for the victim it was safer to find housing with relatives. There were cases when the ERO was issued, but the victim did not want to stay in the house and went to his relatives,»* explained one of the respondents, stating that because they were not sure where the aggressor would shelter and how his health would evolve, they agreed to leave him at home. *«A real challenge was a case in which both spouses were in self-isolation at home, we did not know how to proceed,»* confessed one of the policemen, specifying that the solution was identified due to the two separate entrances that the property had. Thus it was possible to issue an ERO, but with both parties remaining in the house and the possibility of its observance. *«We usually*

issue ERO for five days, then we analyze the family environment and, if necessary, also ask for a protection order (PO). Often abuse happens due to alcohol consumption. If he signed while intoxicated, we call him the next day to police because he doesn't remember. We try to send him to treatment, voluntarily if possible .»

In the above context, two of the staff with whom we discussed testified that when they had cases of domestic violence in which either one of the spouses or both were in self-isolation and violated this regime, they were punished specifically for violating the regime, and not for domestic violence. *«Both spouses were quarantined. They violated the self-isolation regime. They went to relatives. They drank alcohol. When they returned home, there was physical violence. They called 112. Both spouses were fined 22,000 lei for violating the self-isolation regime. For the case of violence they said that they have no demands one to another, « explained one of the staff.*

1.4. Mechanism for issuing the emergency restraining order in cases of domestic violence

95. In the event that as a result of the risk assessment, the circumstances resulting from a reasonable suspicion that acts of domestic violence have been committed and/or there is an imminent danger of repetition or commission of violent actions, or of escalation of the situation, the police or the prosecution body are obliged to immediately order the issuance of the emergency restraining order in respect of the perpetrator (annex no. 5).

96. The emergency restraining order shall be issued in respect of the perpetrator by the police for a period of up to 10 days, regardless of the will of the victim, in particular if the conditions described in point. 82 of this instruction are relevant.

GPI Order no. 360. CHAPTER II. Police intervention in cases of domestic violence
Section 4. Mechanism for issuing the emergency restraining order in cases of domestic violence

According to official data provided by the General Police Inspectorate, during 2020, employees of the Public Security Services of the territorial police inspectorates, issued **4,939 emergency restraining orders**. At the same time, 591 reports on the offense were prepared. Compared to 2019 when 4, 250 ERO were issued, in the pandemic year there was an **increase of 14 %**.

Although at the national level, there was an increase in the number of ERO issued, the statements of the respondents with whom we discussed were different. While half of police officers spoke of a decrease with the lowest number being only eight ERO issued in the entire period, others reported a significant increase with the highest figure being 255 ERO. In one district, the number of ERO issued increased nine fold – from 19 in 2019 to 183 in 2020, the reason having nothing to do with state of emergency, but with the intense training provided to patrol officers, usually young ones who did not know the procedures. There were also some respondents who did not know how to give an assessment of the dynamics of domestic violence cases, but they spoke of constant figures in this regard.

On the other hand, one of the police officers in the region whose number of ERO issued fell twice blamed this decrease on the negligence of police. *It is a relief for or an omission on behalf of police. When ERO first appeared, management insisted very much on*

this issue, they requested the issuance of the ERO. Now, no one bothers evicting the perpetrator from the house. He formally completes the questionnaire and that's it, « he testified.

Although all officers said that they did not have cases in which the perpetrators would have been infected with COVID-19, but where the issuance of ERO was required, some of the interviewees said that they had adapted the restrictions imposed by ERO to the conditions of the pandemic. That is, in most of the situations, in order to protect the perpetrators, but also other people with whom they could have come into contact, the obligation to leave the home by the perpetrator was NOT imposed. Only the restriction to keep distance and not to approach the victim was in place. Only in more serious cases the perpetrator was required to leave the home. Here we must mention that both law no. 45, as well as GPI order no. 360 on police intervention in preventing and combating cases of domestic violence expressly provide for the immediate removal of the perpetrator from the family home.⁸, as a provisional measure of protection of the victim, applied by the police.

In this context, the difficulty most often invoked by police is where the perpetrator will go, especially during the pandemic or in winter. *«The perpetrators refuses to get acquainted with ERO and sign. He does not accept the fact that he will be removed from home. We're trying to help them identify who they might go. They say they have nowhere to go, they have no relatives, no friends, that we are kicking them out of their house, they're shocked. Then we inform them that if they come closer than 50 m to the house or the victim they risk being put on trial, where they can be arrested for up to 15 days and then they start looking for all possibilities to shelter».*

1.5. Pervision of compliance with the emergency restraining order

115. Supervision of execution of measures imposed by the emergency restraining order implies in itself the activity of monitoring the way of execution of restrictions applied in relation to the perpetrator conducted by by police officers within whose jurisdiction the victim and the perpetrator s residence is.

119. In the process of monitoring compliance with the prohibitions applied by the emergency restraining order, police, periodically, but not less than once in two days, will conduct unannounced visits, during the day (time interval between 0600 and 2200), on any day of the week, at the home or place of the victim, in order to verify compliance with the emergency restraining order by the perpetrator.

GPI Order no. 360. CHAPTER II. Police intervention in cases of domestic violence
Section 5. Supervision of the emergency restraining order.

Even in the pandemic, the ERO surveillance procedure remained unchanged. One of the policemen interviewed even said that due to the fact that they were obliged to patrol through villages and inform the population through megaphones about compliance with measures to prevent the spread of infection, they also supervised compliance with ERO.

«Usually the perpetrators obey the decision of the police and leave the home,» said the majority of respondents, noting that *«most of them are petty violations – they do not*

⁸ See Law no. 45 on the prevention and combating of domestic violence, art. 2, as well as the Methodical instruction on police intervention in preventing and combating domestic violence, Order no. 360 of the GPI of 08.08.2018.

enter the house or apartment, but they can come to the gate, knock on the door or in the window and perform other acts of hooliganism.» These are considered violations and must be documented under art. 318/1 CC ⁹ even if oftentimes prior to police arriving on the scene, the perpetrators are no longer there. Daily monitoring of the ERO is mandatory, including not only making unannounced visits to the location of the perpetrator, but also contacting the victim and neighbors by phone. «There are also cases when the victim herself allows the perpetrator enter the house, believing that they have come to terms,» several policemen complained, expressing regret that the law does not provide for the victim to be held accountable if she receives the perpetrator at home. On the other hand, other police officers noted that although it is not as effective as individual discussions, through remote surveillance they nevertheless struggled during this period to reduce the number of home visits.

As a rule, perpetrators violate ERO when they are intoxicated and do not realize what they are doing. In such situations they are transported to the reception unit to determine the degree of intoxication, and subsequently to the police unit. «When we see that the perpetrator has an aggressive behavior and is very drunk, so as not to return back to home, we have the right to detain him for up to 3 hours, we talk to him until he recovers a little and realizes what he has done,» reported one respondent, remembering that there are also situations when ERO is knowingly violated. «The perpetrator was issued an ERO and he went to his brother. He told him that it was his house, and he was the boss. And that no one has the right to chase him out of his own home. Then he returned home to show who is «boss.»

⁹ Contravention code of the Republic of Moldova
Article 318¹. Failure to execute the emergency restraining order.
Intentional non-execution or evasion from the execution of the requirements of the emergency restraining order is punishable by a fine from 60 to 90 conventional units or by arrest from 3 to 10 days.

II. APPLICATION AND ENFORCEMENT OF MEASURES OF CONSTRAINT

146. If the flagrant offense provided for by art. 201¹ (domestic violence) of the Criminal Code is determined, and the perpetrator still poses a death threat, and threats of serious bodily injuries, or there is a threat that may come true, the representative of police, criminal investigation officer, shall assess the risk and take measures to eliminate him through the issuance of the emergency restraining order, or where appropriate, the application of procedural measures of constraint (retention) on the basis of art. 165, para. (2) and art. 166 of the Criminal Procedure Code.

GPI Order no. 360. Chapter V. Application and enforcement of measures of constraint

When following the forensic examination, injuries caused to the victim indicate light, medium or serious injuries, it is necessary to initiate a criminal case under art. 201¹ CC. The violation of the protection order still has to be followed by the opening of a criminal case on the fact of violation of the court decision. Thus, while two police officers said that they had no cases requiring starting the prosecution, others referred to single cases. The remainder of police with whom we discussed said that they had such situations, and criminal cases were also started, but in particular contravention cases. Only the number of initiated cases differs. While some police said that the number of cases was higher, putting this on account of information campaigns and the fact that police, unlike other state employees operated under the normal regime, others speak of a decrease. They explain this by issuing ERO that prevents/replaces the need for arrest, but also the lack of evidence that is necessary in such cases. *«During this period we had around 20 criminal cases registered. They are so few because the evidence was missing. The basic element is forensic examination. ERO is issued only if there are injuries. If there are no injuries, the case is not investigated. If the victim refuses, the situation is similar. There were criminal constraints for violating protection measures.»*

In this context, a policeman stated that out of 12 cases, only two were ordered by the prosecutor to start criminal prosecution, the rest are being examined under art. 78¹ of CC. Having reached the court, few cases result in arrest, the perpetrators usually choosing unpaid community service. Although they mentioned the need to bring criminal cases, most respondents said there was no need to apply measures of constraint. However, two policemen spoke about the application of pre-trial detention for 72 hours, under art. 201¹ CC but only upon the decision of the prosecutor. Only one police employee specified that he had to apply measures of constraint on a case, in which the perpetrator was very violent, did not obey the orders of law enforcement. *«Although he was warned, the man refused to obey. In such circumstances, the police should apply physical force or special means; here it was necessary to twist hands and apply special means, handcuffs to perform the alcoscopic test, and subsequently to the inspectorate to complete the documentation of case. These perpetrators are also held accountable for disobeying orders of police.»*

Also, where the violation of the PO was found, criminal cases were usually initiated. One of the policemen said that he had 18 cases of violation of the PO, only that these processes take longer and at the time of the interview he did not have the full

information regarding the sentences ordered by the judge. But most often unpaid work or at most probation is arranged. One of the policemen said that in winter or when it is cold outside the court orders house arrest. It is not clear however how this can protect the victim who is also at home.

Asked if pandemic somehow influenced the application and enforcement of measures of constraint, most respondents only mentioned problems related to the postponement of hearings by the courts, in some districts they only work on certain days. One of the respondents said that the postponement of hearings, in some cases even by two months, leaves the perpetrators without sanctions, they continue to exhibit aggressive behavior. Only real punishment can stop them. At the same time, there were no cases in which the perpetrators were infected, which would have made it difficult to detain them. Instead there were police officers who talked about how they were cursed and threatened by disgruntled perpetrators when they were detained or when they had to leave the home, having restrictions imposed by ERO or PO.

And in this regard, when asked about the challenges, respondents spoke about the difficulties related to imposed restraining measures. *«There were cases when because of the hurry or maybe there were cases of tension, they quarreled very hard and I could forget about respecting the measures. I mean how can I forget .. maybe the mask would come off or something and some people could take pictures of us. Maybe I couldn't put my mask the right way, and even the perpetrator would warn you. It is suffocating to wear a mask and document, and especially while wearing a protective suit,* confessed one of the interviewees.

III. MEASURES TO PREVENT CASES OF DOMESTIC VIOLENCE

3.1. Measures for the primary prevention of cases of domestic violence

157. Primary prevention involves a complex of organizational, legal, economic and social measures aimed at eliminating the phenomenon of domestic violence, revealing the causes and conditions that generate the commission of acts of domestic violence, acting with priority on potential victims and perpetrators, aiming at changing their social behavior, reducing the premises that directly and indirectly favor the commission of acts of violence and discourage perpetrators from committing illicit actions.

GPI Order no. 360. CHAPTER VI. MEASURES TO PREVENT CASES OF DOMESTIC VIOLENCE

Section 1. Measures for the primary prevention of cases of domestic violence

Compared to other activities carried out by police, the work of preventing cases of domestic violence suffered the most. At least this was told by police officers with whom we discussed. *«Prior to the pandemic we were carrying out a series of primary prevention measures. For example, I made a Power Point about violence which I presented at the House of Culture and where I invited specifically men, although women also happened to come. Pupils were told where to come if the father was violent to the mother or other family members.»*

During the state of general emergency all activities were canceled, the priority was to inform the population about protective measures against the spread of the COVID-19 virus. *«We have been made aware of all the orders and changes regarding the COVID infection and what should the behavior of the policeman be in working with the beneficiaries. There were trainings in each section, right from the first stage».* Information was provided through the community, the employees' cars were equipped with audio devices with voice messages transmitted with reference to protective measures, who are the people in the risk group, but also about the need to go to the doctor if they have any symptoms. Subsequently, with the relaxation of restrictions, except for two or three respondents, the rest of the specialists spoke about resuming prevention activities. But unlike previous periods, all information and prevention activities were organized outside, in open air – on the street, in the park, in the center of the village, with the observance of security measures and social distance. As an alternative, local media sources, including radio broadcasting were used. *«For a while we had no right to do anything. Only when meetings were allowed for up to a certain number of people, we were striving to organize these preventative activities and respect distance. Police employees also came out and carried out information and awareness-raising activities by handing out leaflets with useful information about what to do if you are a victim of domestic violence. Many people don't even know what violence means. A slap is not considered an act of violence, I think violence is only when I end up with a broken leg».*

Having analyzed this aspect, several policemen mentioned that the population did not have the same openness that it had previously, not all of them were taking leaflets or other materials even if they were outside. That is why some of them said they limited themselves to placing/posting information at police stations in the regions, on

the web pages of district councils, city hall or even on Facebook. But on the cases that were already referred, police officers would inform the victim about the possibility of being issued ERO, PO, the method of obtaining those, providing the necessary support.

One respondent also recalled the meetings they organized with members/leaders of the Neighborhood Watch Sectors (NWS), where participants were informed about the need/obligation to report cases of domestic violence. *«The number of activities organized with students was very small compared to last years. In this regard the pandemic has affected us a lot»*, expressed regret a policewoman, an aspect that was registered by half of the respondents.

In this context, the respondents also pointed out that although schools were equipped with the necessary equipment to conduct online activities, the problem is their lack of skills to use these resources, suggesting that training in this regard would be more than welcome. *«Even though we submitted a request to the District Education Division, they refused to organize activities even in open air. We were only allowed online, which was a problem because we don't know how these programs work – zoom, google meet or whatever they are called and I think we would really need training in this regard.»*

3.2. Measures for secondary prevention of cases of domestic violence

162. Secondary prevention entails the collaboration of Police with representatives of the penitentiary system institutions, probation officers and representatives of the local government, social welfare, family doctors, institutions, and organizations with the aim of acting mainly on the behavior of individuals predisposed to acts of domestic violence, or who have committed acts of domestic violence, in order not to prevent committing numerous acts of domestic violence.

GPI Order no. 360. CHAPTER VI. MEASURES TO PREVENT CASES OF DOMESTIC VIOLENCE

Section 2. Measures for secondary prevention of cases of domestic violence

»What is this,» a policeman said when asked to talk about secondary prevention measures. Nor did the rest of the interviewees gave more details. Thus, only half of the respondents talked about this but their information was very brief. Someone said that secondary prevention measures were not put in place, others – that they were put in place, but very few. *«Secondary prevention measures were carried out at home; both the potential perpetrator was informed about measures and penalties, as well as the potential victims about their rights. Discussions with the perpetrators were held outside, equipped with everything necessary and respecting social distance.»*

3.3. Tertiary prevention measures. Ensuring the nominal record of family perpetrators

165. Measures for tertiary prevention of cases of domestic violence are aimed at influencing the psyche and behavior of the perpetrator, in order to change his antisocial conception and prevent the repeated occurrence of domestic violence acts, as well as ensuring the protection of victims.

GPI Order no. 360. CHAPTER VI. MEASURES TO PREVENT CASES OF DOMESTIC VIOLENCE

Section 3. Tertiary prevention measures with family perpetrators

187. During the prevention process, police officers will identify potential instigators of family conflicts which will be put on the record and subjected to tertiary prevention measures with the involvement in this process of representatives of local public administration authorities, community social workers, family doctors, teaching staff of educational institutions and representatives of SCO.

GPI Order no. 360. CHAPTER VI. MEASURES TO PREVENT CASES OF DOMESTIC VIOLENCE

Section 5. Organizing the surveillance of the behavior of the family perpetrator and tertiary prevention measures in relation to him

According to official data, in 2020, there were **3,957** family perpetrators on police records, including 3,748 men and 209 women¹⁰. In 2020, due to pandemic, it was not possible to organize tertiary prevention measures as such with the conduct of joint activities, where perpetrators who were on police records were invited or during police raids where former prisoners were also checked. During this period, visits were made to the perpetrators home and the monitoring process was made also through phone calls. This was mentioned by almost all police we have interviewed.

Regarding the nominal record of perpetrators, the respondents stated that the pandemic did not cancel the obligation to keep their nominal record, the work style remained unchanged, but they needed to respect protection measures. With the exception of only one policeman, who complained that he had to «*get his own protective suit*», the rest of the employees said that they were provided with all the necessary equipment (mask, disposable protective suits, gloves). «*Once the record sheet is completed, each perpetrator enters the loop of police, being included in the nominal register, but also in the electronic one. Discussions are held with perpetrators, either by phone or on the scene with the preservation of social distance. Although we were in the pandemic period, the police tried at least once a month, to have a conversation with the perpetrator, ask him for an explanation of his behavior, inform him of the consequences of violent behavior. But everything was in compliance with restriction measures imposed by the NCPH*»

Thus, even if restrictions and prevention measures were imposed, the work with the perpetrators continued through phone or by making home visits, mentioned 13 police officers, stating that when the general state of emergency was announced (March-May), the police resorted to telephone conversations, and after it was relaxed they returned to home visits. While some policemen mentioned the organization of daily prophylaxis activities, others only mentioned weekly or even monthly checks. If

¹⁰ https://politia.md/sites/default/files/ni_privind_infraactiunile_ce_atenteaza_la_viata_persoanei_si_cele_de_violenta_in_familie_pentru_2020_pagina_web_a_igp_0.pdf. Report on police activity. Year 2020, P. 13.

people were self-isolating or were in quarantine being infected with COVID-19, the monitoring process was carried out exclusively by telephone.

The process of monitoring the perpetrators' records also involved contacting victims or other members of the community. During home visits, discussions were held with both partners, usually outdoors, «at the gate» or «in the yard», keeping the distance. During this period, one avoided to request perpetrators presence at the station. *«When it was warm, we put a table outside, in front of the police unit, and there we talked to the population. Now it's cold and it's more difficult. Police is travelling to the call. Visits to the sector have been cancelled. You imagine, one had to measure the temperature, ask to disinfect his hands and so on. Actually, one did not have to visit them at home. You go through the village, ask about one or the other, how it is, what they saw, what they heard.»* Only one respondent said that in the pandemic a new rule was established, whereby home visits were canceled and the record keeping of perpetrators was made only by contacting the victim monthly, saying that *«if the perpetrator is going to commit violence – he will do it and it does not matter whether you spoke to him or not».*

In the end, unlike the rest of his colleagues, a police officer made it clear that the registration procedure, even during this period, means the physical presence of perpetrators in the police unit. Moreover, a perpetrator refused to go to the police unit. Home visits were an exception they would be made only in cases where the perpetrators did not have a landline or mobile phone. *«The more often you go on visits, the greater the risk of COVID contamination. This is why during the pandemic they were more difficult to monitor. We were trying to communicate more with the victim, in private when we met in the village, or with the neighbors. The perpetrators were invited to the police unit, but if they did not have the opportunity to come, police would travel to the scene, at home.»*

IV. PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE

199. Employees of the police unit or the criminal investigation officer during their intervention will inform the victim about the possibility of obtaining the protection order, by applying some restrictions against the perpetrator.

202. If the victim is in a state of impossibility, the police or the criminal investigation officer with the consent of the victim will take an application from the former (annex no. 17) to enforce protection measures, after which they will submit an action (annex no. 18), which together with other materials necessary for the resolution of the case will be presented to the court for the issuance of the protection order.

GPI Order no. 360. CHAPTER VII. Protection of victims of domestic violence
Section 1. Assisting the victim in obtaining the protection order

According to GPI statistics, in 2020, as a preventive measure to ensure the protection of victims of domestic violence, **635** orders for the protection of victims of domestic violence were issued by the courts and supervised by police, by 75 PO less (10.56%) than last year. Of these, 302 protection orders were issued at the request of the police officer, 10 orders – at the request of the criminal investigation body, 4 – at the request of the prosecutor, 276 orders – at the direct request of victims or their legal representatives and 43 – at the request of other authorities. As a result of the review, **64** requests were rejected of which in **46** cases the reason for rejection was non-compliance with the application procedure. Victims of domestic violence were not in a crisis situation and that they were able to apply to court according to the rules established by the Civil Procedure.

4.1. Assisting victims of domestic violence in obtaining a protection order

In response to the question about the number of protection orders issued during the period in question, opinions were divided. The common point was informing victims about the possibility of obtaining a protection order, all police officers mentioned that when they wanted to do so, absolutely all victims benefited from the necessary support to fill in the application in order to obtain a protection measure. The manner of examining the protection order has not changed, except for cases where the courts were examining cases only on certain days.

Some of the respondents mentioned that they often promoted « persuasion work » with victims of violence because they often « changed their minds ». To prevent this, respondents stated that they went with the victims to court, thus benefiting from logistical and psychological support, and police ensured that they would go with their request till the end.

Also, while three respondents said they had no cases where it was necessary to issue PO, others said they had, but did not know how to provide a comparative assessment with the similar period last year. However, a few police officers said they had single cases in which they took steps to issue the PO. They stated that it was one or two orders issued, in one of these it was about minor children. The rest of police were

divided into two camps: the first referred to a noticeable decrease in requests for the issuance of protection orders, while the second referred to a double increase in the number of orders issued. Thus, officers who referred to the increase in the number of PO issued made it clear that they did their best to obtain a PO precisely in order to prevent the increase in the number of criminal offenses. However, a protection order issued in civil proceedings can help prevent a criminal offence. That is, in order to avoid the escalation of conflicts or the repetition of the conflict, the police prefers to file an application in the court for the issuance of the order. On the other hand, interviewees who mentioned that the number of PO has decreased, explained this fact by actively implementing emergency restraining orders, stating that having an ERO issued, the perpetrator «realizes the consequences and changes his attitude».

Two of the respondents pointed out that the court refused to issue the PO on the grounds that the request for the issuance of the order was not filed by the victim personally. «Although the file was complete with sufficient evidentiary material, the judge refused to issue the PO only because the request was not personally submitted by the victim who was physically and mentally fit to do so on his own. This is how the judge ruled,» one of the policemen said. In contrast to this situation, another policeman said that «many judges asked us to personally file the necessary requests if the victim cannot in order to expedite the procedure. If it's Saturday we were trying to issue ERO and we've already protected it.» However, some of the interviewees stated that they only informed and helped victims to complete the application for the PO and they themselves filed the case in court. Only when women are in a state of helplessness or have small children, this is done by policeman.

There have also been situations when with all the evidence accumulated and presented to court, women asked the judge not to issue an injunction because «we have forgiven him, we have come to terms, let him come home, we have children to raise». Then the perpetrator gets in the worst case a few hours of unpaid community service.

4.2. Information about the issuance of the protection order. Enforcement and supervision of the order

214. The procedure for informing the perpetrator, the execution and supervision of measures applied to him by the court will be ensured by the employees of the police unit within the jurisdiction of the perpetrators residence, in accordance with the provisions of this instruction.

215. If parties (the victim or the perpetrator) were not present at the court hearing, the employees of the police sector will hand the parties a copy of the order itself, which will be registered in the protocol on handing in the procedural document (emergency restraining order, protection order) (annex no. 7), in accordance with provisions of art. 29 of the Enforcement Code.

GPI Order no. 360. CHAPTER VII. Protection of victims of domestic violence
Section 2. Information on the issuance of the protection order and its enforcement

220. In the framework of the supervision of the execution by the perpetrator of the protection order, police within the residence of the abuser/victim's residence will establish contact with the victim, regarding the ways and means of informing or referring to the police, about any violation or attempted violation of the protection order on how to comply with restrictions applied

GPI Order no. 360. CHAPTER VII. Protection of victims of domestic violence
Section 3. Supervision of the protection order

With regard to the information about the issuance of the protection order most of the police officers stated that the perpetrators are usually present in court hearings when the issuance of the PO is announced. Later, together with the policeman they go to the house where the perpetrator collects his clothes and leaves the house. However, when this does not happen – and in the pandemic there were such situations – the perpetrators were not present in court, but neither were they summoned to the unit. In such cases the policeman goes home to inform him and execute the PO. The perpetrator is obliged to sign the minutes informing him of the PO including a copy of the order. When with regard to the same cases there were ERO issued previously, there was no need to expel the perpetrator from the house because he was not there and was only informed about the new restrictions imposed and the period for which the order was issued.

Regarding the surveillance/monitoring of protection orders, all those who had a PO in their surveillance said that the pandemic did not impose anything new or special in the monitoring of compliance with orders. None of those interviewed claimed to have encountered any problem in this regard. *«Nothing special compared to other periods – by phone, through prophylactic discussions, or visits to the victim's home. There aren't that many, and we're monitoring them. We also ask the neighbors about what they saw or heard. Of the six POs issued, none was violated.»*

At the same time, one of the officers stated that during the emergency situation, monitoring of perpetrators through electronic bracelets is the perfect solution. On the one hand it ensures better supervision of compliance with the Protection Order, and, on the other hand, minimizes the risk of infection.

However, police would tend to blame the victim for not announcing about the violation of the protection measure, expressing regret that the victims are also not held accountable for allowing the perpetrators to enter the house or even hide them. *«When we went to the scene, because the victim was too insistent in inviting us to the house to check, we realized that something was wrong. I found him hiding under the bed. If he were held accountable, that wouldn't happen. The electronic bracelet would allow us not to spend time and money on identifying the location of the perpetrators. Likewise, we could be sure that the victim does not lie to us, does not hide the perpetrator and we would not waste two days looking for video evidence or witnesses to prove that he violated the PO, when the victims refuse to recognize this,»* the policeman said.

4.3. Actions of police in case of violation of protection order

229. If police officer was notified about the violation of the protection order by the perpetrator, as well as if the content of the documents will reveal a reasonable suspicion that the offense pursuant to art. 3201 of the Criminal Code was committed, he will immediately prepare all the necessary documents in accordance with the provisions of para. (2) art. 273 Criminal Procedure Code. Concurrently will order the immediate registration of the report but not later than 24 hours in the Registry of reported offenses (Registry no. 1) of the Dispatch Service/police dispatch in order to begin the criminal proceedings.

GPI Order no. 360. CHAPTER VII. Protection of victims of domestic violence
Section 4. Actions of police in case of violation of protection order

While a policeman said he «doesn't know what to say about this,» and two others said they had no such cases, the other respondents said they documented these cases according to standard procedures. On-site documentation is followed by a summons to the LPA or the police unit. The criminal case is initiated on the basis of art. 320 (1) CC.¹¹ Subsequently, as a matter of urgency the case together with the evidentiary material, was transmitted to the criminal prosecution body of the District Police Inspectorate.

Also, in case of violation of the protection order, even if the victim so requests, the case cannot be ended. In this context, while one of the policemen noted that the punishment for the violation of the PO is too harsh, stating that usually «it was not physical violence, the perpetrator just came home to take something from his clothes or something to eat», another opted for immediate arrest, noting that in the «pandemic oftentimes court sessions were postponed and the perpetrators relaxed».

In this context, several police officers spoke of a «too lenient» punishment applied by judges in case of violation of protection orders, being either unpaid community service hours or probation. «For example, 18 protection orders were violated. 18 criminal cases are started There have also been cases when it was violated twice, but usually they understand that it will be worse if it were violated. When the person arrives in court he can be sentenced with detention. Less often, but such cases happen. Unfortunately, as a rule, the punishment is conditional, he remains at large. If he were behind bars, the punishment would be perceived differently. I believe that if the person has committed the crime for a second time, he must be put behind bars.»

With regard to ensuring the connection with the criminal prosecution body, absolutely all police with whom we spoke mentioned good collaboration, without any differences compared to previous periods, noting that the minutes or case documentation sheets could be sent via Viber or other digital resources. «When I as police, find a serious case of abuse, if necessary I can immediately request the movement to the scene of both the emergency medical service and the criminal investigation officer. Subsequently, I am responsible for sending the documents to the criminal prosecution body, obviously after I have the results from the forensic examination,» explained one respondent, drawing attention to the fact that if there were several deviations by the perpetrator, starting a criminal case was mandatory.

¹¹ Criminal Code of the Republic of Moldova **Article 320.** Failure to execute the judgment of the court. **Article 320¹** Non-enforcement of measures from the order of protection of the victim of domestic violence. Intentional non-execution or evasion from the execution of measures established by the court in the order of protection of the victim of domestic violence is punishable by unpaid community service from 160 to 200 hours or imprisonment for up to 3 years.

4.4. Multidisciplinary resolution of domestic violence cases

232. *If a case of domestic violence is detected, police will urgently inform the social worker in writing, through a reference sheet (annex no. 2) given that the latter coordinates the multidisciplinary resolution of registered cases of domestic violence, in this regard exercising the role of case manager for cases of domestic violence, in accordance with case management, approved by the Order of the Ministry of Health, Labor and Social Protection no. 71 of 03.10.2008.*

233. *The same reporting procedure needs to be followed in case of reporting to other bodies/ organizations and institutions competent in solving cases of domestic violence, if another procedure is not governed by the legislation in force.*

GPI Order no. 360. CHAPTER VII. Protection of victims of domestic violence
Section 5. Multidisciplinary resolution of domestic violence cases

Although they met less often, communicating more on the phone, although local authorities worked more from home, representatives of law enforcement bodies specified that when needed, each time multidisciplinary teams (EMD) were convened, and measures to prevent the spread of infection were respected.

The interviewees explained that on each case where ERO was issued, the reference sheet was prepared and together with the copy of ERO was sent to the guardianship authority. An accompanying letter was attached to the reference sheet informing the guardianship authority and the social worker about the issuance of the emergency restraining order and keeping track of the perpetrator. The city council decides when it is appropriate to convene the meeting of the multidisciplinary team, or they meet within 24 hours or the next day. In cases involving children, victims of violence, the EMD is obliged to convene within a maximum of 72 hours. Some of the respondents indicated that both victims and perpetrators were called to the EMD meetings, only at different times to exclude contact. At the meetings they were informed about the rights they could benefit from, and in some cases psychologists from police units were also involved. *«There was nothing different in this period. When the intervention of other specialists was needed, we involved them according to the profile of the victim and the circumstances of the case. Usually in cases when the victim is in a crisis situation and needs a psychologist, we involve the psychologist to emotionally stabilize her. According to the procedure, we can submit an application to the Psycho-pedagogical Assistance Service of the Education Department or to the psychologists of the district hospital. But to expedite the intervention on some serious cases we also involve the psychologist of the unit»*

However, some of the respondents specified that it was precisely because of the pandemic that the EMD meetings were convened after several cases were collected, which reduced the speed of the intervention. Moreover, one of the policemen said that absolutely all cases of domestic violence are referred to the LPA, whether minors are involved or not, stating that sometimes they have difficulty obtaining the consent of mature victims. *«If they are children, there is no need for the consent of the adult. In case of a mature victim, we need her consent. And if the victim signs, we send it to the LPA, which must convene the multidisciplinary Commission. But what about us? The mayoralty gathers together several cases and all cases are discussed at the commission at once, and that lasts s long long time».*

When it comes to placement, while one of the interviewees said that he had only two cases in which the placement was successful because they were in the period when the center in their locality had already come out of quarantine, another respondent said that «they were lucky» that this need did not arise because there are no specialized centers for victims in their district. *«If the perpetrator is intoxicated, we could ask for rehab treatment at the district hospital. Here we have more leverage. We make a request and he goes to treatment. I can not say that I felt resistance from other specialists,»* explained one of the respondents. While another of his colleagues said that although they had requested the EMD to be convened and had sent the court the request to impose forced treatment, the judge did not accept this.

4.5. Collaboration with other professional groups – judges, doctors, social workers, LPA

Collaboration with other professional groups has been conducted through telephone communications more than ever. No one has reported any problems in this regard. *«There is cooperation with the prosecution body. We also cooperated with judges, even if they did not work offline at the beginning of the pandemic. When we needed to make contact, the judge further informed us what is necessary for the package of documents to be complete. Everyone knows his role. To issue the PO one has to act fast. There were no issues with the social workers. Some mayors are working better, others not that good»* said one of the policemen.

Asked with which professional groups they interacted best, absolutely all spoke of good collaboration with local public authorities, social workers and doctors. They also mentioned that multidisciplinary teams did not interrupt their work even during the pandemic. However, one difficulty mentioned was the one related to placement centers, especially when the placement of children was necessary.

V. DISCIPLINARY LIABILITY OF POLICE

236. In the process of discharging the duties, police are obliged to strictly comply with provisions of the current legislation, rights, constitutional and fundamental freedoms of the person, ensuring prompt reaction to the requests of victims in cases of domestic violence.

GPI Order no. 360. CHAPTER VII. Protection of victims of domestic violence
CHAPTER VIII. Disciplinary liability of police.

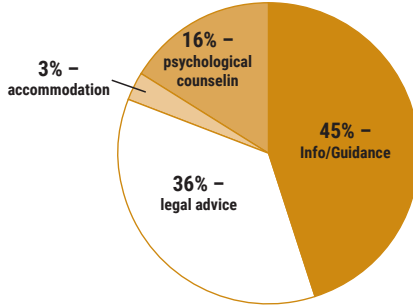
In terms of application of disciplinary liability of police for failure to comply with the law in cases of domestic violence, or abusing the position all individuals who have participated in the interviews claimed not to know of such cases. They stated that the consequences for an employee of the unit in case he does not perform his duties are serious. However, three of the respondents mentioned that there were cases when job inquiries were initiated on the fact that some new employees did not know the procedure for documenting cases of domestic violence or were even afraid to issue protection measures. In this context, one of the policemen brought up the example of his colleague who was sanctioned before the analyzed period. *«I had a colleague who was afraid to issue ERO. Someone has contacted the relevant authorities. As a result of the job investigation, the colleague received a disciplinary penalty. As a consequence, because he did not want a repeat of that situation this year, that is 2020, this colleague ranked first place in the country for investigating most cases of domestic violence. Others followed his example and learned from his negative experience because this is no joke.»*

Asked what should be changed in order not to arrive to disciplinary sanctions or job inquiries, they mentioned the need for much-needed continuous training for newly hired staff. *«We guide them, help them, but the young staff needs training and thematic seminars on the subject. But the most important thing is compliance with the current legislation. As long as we follow the legislation in force, there will be no sanctions.»*

VI. THE VIEW OF CIVIL SOCIETY ORGANISATIONS

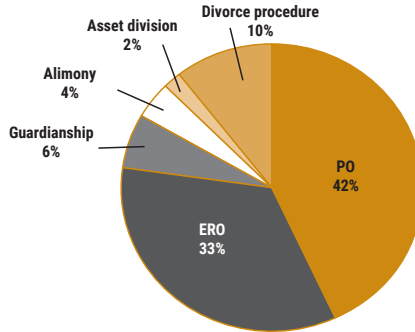
6.1. Expert opinion free phone support service for victims of domestic violence / HOTLINE

Over the years, the requests of people affected by domestic violence who called the hotline have remained the same. 2020 was no exception. Thus, following the *information and guidance services in the area*, those of *psychological counseling, legal counseling* were the most sought after services.



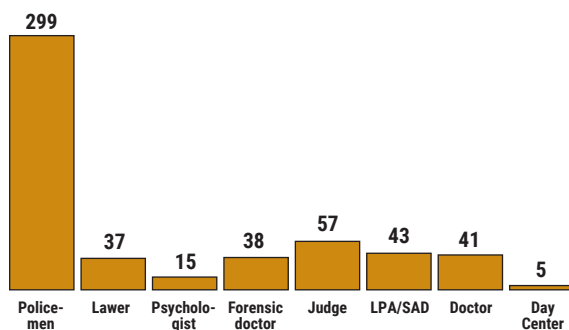
Requests from beneficiaries Hotline

However, most requests are aimed at **informing beneficiaries** about the existing protection instruments – **Emergency Restriction Order (ERO)** and **Protection Order (PO)**, which come to ensure the immediate security of victims of domestic violence and their children.



Legal advice details

What should be noted is that, in an attempt to solve their problems, before calling the hotline, beneficiaries reported that they asked for help from specialized bodies. Thus, of the total number of requests involving cases of domestic violence, in **more than 50 percent of them**, beneficiaries said that they had requested help of other bodies in the area of combating domestic violence. Moreover, out of a total of **544 cases** of domestic violence registered during the reference period, in 55% of these, people who called us already had experience with law enforcement, calling the police in emergency situations. Also, in 35 cases a protection order was previously issued, and in 37 cases an emergency restraining order was issued.



Professional groups VDV sought help from

Because police is the most sought after professional group, which is also explained by their mandate, and the difficulties that women have spoken about are related precisely to complaints related to their intervention. Like other areas, the pandemic has also had adverse consequences on the intervention of law enforcement agencies in cases of domestic violence, especially in situations related to quarantine or self-isolation. Thus, from what the beneficiaries of the service said, police intervention has not always been effective. There have been cases where victims have contacted the police and have been told: *“Don’t you have anything better to do now during quarantine? For all the trifles you call the police... We have lots of problems ...”*.

Testimonies of victims of domestic violence who called the hotline

The analysis of cases in which beneficiaries talk about the contact they had with the law enforcement during the reference period revealed some common aspects. These primarily concerned deficiencies arising from compliance with mandatory quarantine or the need for self-isolation. Thus, the situations when representatives of law enforcement agencies **avoided issuing ERO specifically because of the state of emergency** were many. Attempts to seek the involvement of police officers have not always resulted in a positive outcome.

“My mother recently returned from Italy and is in self-isolation. I’ve already tested positive. Yesterday, while I was on the phone, I heard my father shouting, threatening her with death. Mom said he had a knife. I called police. He told me there was nothing he could do, given that the family is quarantined. He told me that my mother could come after 14 days and file a complaint.”

Most often the arguments that were invoked focused on the needs of the perpetrators, they were a particular priority during this period, rather than ensuring security for victims and children. *«Where will he go? «or» who will accept him now that everyone is locked in the house, now that it is quarantine»,* were the most common lines.

The vulnerability of victims of violence was felt much more acutely. Sometimes the involvement of police by discouraging the victim from seeking protective measures, even if *«that husband attacked her with a fork and drove her out of the house at night»,* reinforces the feeling of guilt and despair. At other times, police have not been more insistent in identifying how to reach a victim who apparently gave up their help because they did not answer the phone call.

...Yesterday we had a very ugly violence incident. I have a big bruise on my temple and muscle pain. I'm pregnant... I was asking him to call the ambulance at least because I had pain in my belly. He refused. After a while he calmed down, and I managed to pick up the phone, lock myself in the bathroom and call the police. **The police came very quickly.... in 2-3 minutes.** They called me to come out and open the main door to the apartment building. Because I was locked in the bathroom, I had to get out. Then **he took my phone and forcibly kept me in the house. Police left** because I couldn't get to unlock the door. I don't know if they called or not... I didn't have my phone, and he deleted all the calls. With this pandemic I don't know if I can go to the doctor to see if the baby is ok, especially since I have a fever»

However, the most difficult to manage were situations where, on the one hand the **issuance of ERO was necessary, but also the quarantine was mandatory.** In one of the cases, when informed, police said that they could not do anything given that the family is in quarantine, telling the victim to come after two weeks to file a complaint. But she was told that perpetrator would get either a fine or unpaid community service. In another representative case in which four children were also involved, while recording the complaint the policeman warned them: *«Think that he is your father, where will he go during the pandemic?»* The request has been withdrawn.

In a third case, after a new incident of violence (beatings and broken objects), neighbors called 112. Police came to the scene and while they were keeping him busy the woman managed to take some clothes, papers and together with her two minor children left the house. Unfortunately, the victim was not informed about the possibility of issuing ERO, focusing on the fact that the property belongs to the perpetrator who is in self-isolation.

The cases of beneficiaries testing positive with COVID-19 was a challenge for all those involved because on the one hand they were obliged to stay in the house, and on the other hand the violence increased. *«My husband is a former policeman At the beginning of the month he beat me. I called the police. They issued ERO for ten days. Meanwhile it so happened that both me and my 13-year-old boy were tested positive. I told my husband that we have Covid and that it would not be ok for him to come as he could get infected. He came. He drank vodka. Tried to beat me again. He pushed me. Trying to protect myself, I ended up with my hand in the glass of the door that gave way. I cut myself to the bone, the blood actually gushed... « because I needed the intervention of the doctors the ambulance was called. The woman was transported to the hospital, where she was given emergency care. Although she told what exactly happened, the forensic review was not done because the «woman had Covid» and she was already going to talk to the family doctor about who, where and how would make her the daily dressings she needed. According to the woman, the policeman later accused her of «causing situations of violence», adding that since he came home the husband must stay 14 days in self-isolation. «The head of police unit called and asked me why am I making trouble and why I called 112? That I cut my hand myself and that I blame him unfairly. He told me that I would get a fine for the false call and that after the quarantine he would issue ERO in my name, just like my husband had one...»*

Examples when policeman reacts inadequately to cases of domestic violence are often recorded on the hotline, police often coming with various groundless reasons.

- *«I called the police. He was taken out of the house, and the next morning the policeman called me and told me that the husband wanted to return home, that he had*

nowhere to go, that he promised that he would not be violent anymore. I left him.
Repeated incidents of violence.»

- «They scold me for calling them for minor things now that the country is facing so much trouble...».
- «Police said that because of the pandemic they can not do anything.»
- Police said that the man will be able to leave the house only after the period of self-isolation and that now they can not issue an ERO.»
- «They told the husband to enter the house and calm down that no one will do anything, because it is his house and now he must stay in the house, not walk on the roads.»
- «They told me that if I don't have a residence visa in the apartment, they can't get him out of his house.»
- «Yes, there is a protection order, but there is a lot of walking to be done, do you really need this right now when no one is working because of the pandemic??»
- «The policeman said to me: to escape the violence, I must gather my clothes and go to another region, as far away as possible».

There have also been numerous cases when being involved in other activities, in particular to prevent the spread of COVID-19 infection, **the reaction time to cases of violence has increased.** Situations when victims were told that «*they are now gone*», that «*they are busy*», that «*they can only come tomorrow*» were signaled by several beneficiaries. In one of the cases, for example, being notified on Saturday morning the intervention team went to the scene. However, according to witnesses although the traces of physical violence were visible, no protection measures were issued and the victim was told «*to stay in the house, and on Monday the policeman will visit*». In another case when he was called, the policeman said that even though it is desirable to stay in the house, she can go out to «*walk around the house until he falls asleep (perpetrator)...*» And thirdly, «*the policeman told me not to call 112, but to call him personally... He said he was coming and never arrived.*»

However, it should be noted that not all beneficiaries made the connection between the pandemic period and the police intervention, especially those in rural areas. Having greater freedom of movement than in the city and coming into contact with less people when they spoke about the situation of violence, they invoked more difficulties but this mainly still denotes the persistence of existing stereotypes than the consequences of the pandemic.

- «The policeman said that I am guilty, that women are always guilty, that I am lying and deceiving.»
- «They said that this is family business and it's not necessary to get involved.»
- «...I heard on TV that there is protection, but the policeman told me that he does not deal with such a thing.»
- «If you file a complaint, a fine will be imposed, the money from the children will also be taken, think carefully what you are doing.»

In one of the cases, the policeman said that he had known the family for a long time and that the woman was also guilty there because she was «*talking to much*» and *that if she were silent, he would not beat her*». These formed the core of the problem, and not the physical violence of the husband.

Also, cases in which perpetrators are arrested being released in a few hours are as common as situations in which a case of domestic violence ends with a fine.

- «The last time he beat me, they fined him 150 lei... so he can continue to beat me forever.»
- «The police pick him up, fine him and let him come home.»
- «He only pays the fine and that's it. When he comes, he's worse, more aggressive, like he's mad.»
- «The policeman once said that he would come to ask what was happening, but he did not come.»

One of the beneficiaries said that she filed many complaints with police but that each time he was given a fine. The last time the police officer just warned him that if it happened again, he would issue ERO, and that is all.

The case of another beneficiary, which was referred to us by the victim's sister, is all the more serious. The victim was heard at the hospital, being transported there by ambulance in a state of unconsciousness. The perpetrator remained at large, not arrested even if he was not at the first misconduct and had a past criminal record. «... He came, broke the door and a window, entered and immediately tried to beat her. He put the knife to her neck and told her he was killing her. He brought the saw and beat her with it. He would beat her with the spinner in the head, hit her with his legs. He put his foot on her chest and raped her. My sister woke up in the hospital with a broken head in a few places, cuts to her ear, a cut cheek, multiple bruises on her back and legs. About three years ago he pushed her and she fell into the well, fracturing her spine... he beat her many times and each time they fined him about 500 lei ...» previously, the same perpetrator stabbed his own father, tied his mother-in-law to the bed and set her on fire, she was saved by her daughter, he repeatedly beat his former partner.

Here it should be specified that the existing legislation in the area of prevention of domestic violence, both criminal and contraventional, excludes the fine from the list of measures to sanction perpetrators. However, even so, the beneficiaries continue to talk specifically about fines issued under art. 69¹ CCRM.¹²

Finally, in order to ensure the security and immediate needs of victims of domestic violence and/or their children, in about 20 percent of cases, counsellors were needed as a matter of urgency. Although not very many quantitatively, their complexity required a double effort. And this is because the pandemic and remote work has also affected the involvement and efficiency of specialists on cases of violence.

6.2. Opinion of specialists, representatives of other non-governmental organizations

An assessment of the response of law enforcement agencies to cases of domestic violence, registered during the pandemic period (March-October 2020) was addressed in interviews with representatives of organizations specialized in providing legal assistance to victims of domestic violence. These were **Women's Law Center** and the **Association «Promo-Lex»**. The representatives of both organizations stated that requests for legal advice came by phone or online, directly from the beneficiaries or their relatives.

¹² Contravention Code of the Republic of Moldova

Article 69. Insult

(1) Insult, that is, words or acts that harm the honor and dignity of the person, shall be punished with a fine from 9 to 18 conventional units or with unpaid work in the service of the community from 10 to 20 hours.

(2) Insult in the media shall be punishable by a fine from 12 to 24 conventional units or unpaid community service work from 15 to 30 hours.

As for the **dynamics of cases**, while the representative of the «Promo-Lex» Association speaks of a decrease in their number, valid for the entire period, those from the women's Law Center (CDF) confirm this trend, but only for the first two months of the state of Emergency (March-April 2020). Thus if in March fewer cases were registered, we may even speak of a decrease in their number, subsequently their number began to increase. The cause of the decrease was directly related to the restraining measures imposed by the pandemic, which prevented the beneficiaries from applying for help and being able to openly discuss the problem they face (cases when the perpetrators were more around the beneficiaries and they could not speak). After the change in the general state of emergency, when work at the office was partially resumed, the flow of beneficiaries returned to the one before the pandemic.

When it comes to the **complexity of cases**, all respondents spoke about their diversity without much difference from other similar periods. However, according to the lawyer of the CDF there was an increase in the number of requests for the issuance of protection orders. She said that unlike younger women and older people, where the perpetrators are mature children, they are more reluctant in requesting an ERO or PO.

Regarding the **actions of police**, specialists with whom we discussed mentioned several positive and negative aspects of their intervention. There were also situations when ERO was issued, and victims were informed about the PO and redirected for assistance to organizations in the field or even police helped them complete the application for the issuance of the PO. But there were also situations when they simply refused to register complaints, citing various less well-founded reasons.

- «It's his house too, how can we drive him out?».
- «They quarrel and make up.»
- «We will talk to him again and he'll be better.».
- «Can't you just go about your business? Now there are so many problems with this virus...»
- «If you file any more complaints with police, I'll kick you out of the village.»

«Just yesterday, I was contacted by a victim who complained about police inaction. Her husband has long gone abroad, returned, assaulted her, drove her from home and did not allow her to approach the house. He said he filed several complaints, but they did not result in anything.»

One of the lawyers drew attention to the problem of a different interpretation of the notion of «family member». Some policemen do not consider ex-spouses or former partners as subjects of Law No. 45. Consequently, the contravention was covered by Article 78 CCRM, and not 78¹ CCRM or even Article 69. Insult CCRM

As for the **forms directing to forensic review** necessary for establishing the degree of harm to bodily integrity, the situations were different. In many cases victims were directed, in other cases not and victims having to go alone and pay for this review. There were also cases when beneficiaries went directly to the Forensic Medicine Center to obtain the appropriate certificate, without filing a complaint with the police. The reasons cited by women were different: that they did not know, that they do not trust, that they are afraid because he has connections in police, etc. But there were also situations when although they were directed, people refused to go because «there is no forensic doctor in the district» or «the bruises were small and «hard to see». *«There were situations when, although in the certificate there were minor injuries, given the fact that the victim was in the hospital and the consequences were much more serious, we*

requested additional forensic review on the basis of medical documents. If the injuries are mild» then we request the re-qualification of the case, already under the Criminal Code», said one of the CDF lawyers.

However, forensic review is valid for cases where there is physical violence. But during this period many women reported **psychological violence**, in some cases combined with economic violence. As a result, the challenge was to first identify the specialists to whom the beneficiaries could be directed and, subsequently, adapt both psychologists and victims to the new online working conditions – establishing contact, identifying assessment techniques, adapting the methods of applying psychological tests, drawing up reports that were subsequently annexed to the requests/complaints submitted to authorities. Although par.¹ of art. 2011 CC criminalizes psychological violence, only one of the respondents spoke about a case in which a criminal case was started on this type of violence, the Center being asked to prepare a psychological assessment report, and the specialists here being also asked about what procedural quality should be offered to children, witnesses to violence.

As for the **mechanism for finding and assessing risks** during the pandemic period, it was no different from other periods, the difference was only the mandatory wearing of protective equipment (mask, gloves, etc.). *«In a few cases the police filled in the questionnaire on the spot and immediately issued the ERO. Subsequently, they also helped the victim request the issuance of the PO in court. In other cases, the police did not fill in the questionnaire or do anything on the scene. As a result: a) only after the direct intervention to the policeman, he called the victim to the unit, completed the questionnaire and issued ERO, then called the perpetrator and informed him about its issuance; b) after the discussion with the representatives of the GPI and through them, having once again police on the scene, provisions of Order No. 360 of GPI were complied with»,* said one of the lawyers.

It is typical for this period, at least from the point of view of the interviewees that there were few cases in which either the victim, or the perpetrator, or both would be in quarantine or self-isolation and in which assistance is sought. In one of these, where the victim tested positive for COVID-19 and the perpetrator was her son, although the police were asked several times, the woman was not informed of the existence of ERO, let alone talking about its issuance. Consequently, being sick, she had to run from the 1st to the 9th floor at the time when the perpetrator was aggressive. *«We had a call from a policeman who called us to consult on such a case. Our position was that the safety of the victim is a priority, and ERO must be issued. It already depends on the circumstances of the case and living conditions – if he really has nowhere to go, to analyze the possibilities of isolation. For example, a pantry, separate entrances to the house – in the village there would be more possibilities,»* said one of the lawyers.

ERO issuance mechanism

Although according to the data provided by the GPI the number of ERO issued during the pandemic saw an increase, one of the interviewees avoided giving an assessment of the dynamics, given the few cases he witnessed. And the representatives of the other center said that only in about 10 percent of the cases, beneficiaries who ended up being assisted by them, had previously been issued an ERO although there was risk, there was violence, and police was informed. *«There were many cases when women complained about acts of violence to which they are subjected, the police had to*

issue ERO, based on the existing risk assessment, but their intervention was reduced to the phrase «go to the CDF and they will give you protection». That's what many beneficiaries told us when they called us. It was necessary to explain to them that it is not us who can offer them protection, but the court and that there is a procedure by which a PO can be obtained. And such cases when the police were making some kind of transfer of their obligations were not unique. They wanted to get rid of these cases as quickly as possible, and then they preferred to redirect them to us.»

In cases where ERO was however issued, it usually lasted 10 days. But there were also situations when it lasted 3 days, 7 days, which depended, as in the case of the judges on the intimate conviction of the policeman – he has the right to decide over what period he issues ERO. The biggest problem in this area was not so much the instrument itself but the lack of information, the respondents said. Usually police officers issue ERO that expires quickly, the perpetrator returns, violence continues, and the victims do not know that during this period they can apply for a protection order because no one informs them about this tool.

Another difficulty mentioned lies in the fact that although legislative changes have been introduced where it says black and white that an order can also be issued outside the victim's home, the police issue ERO only when the victim and the perpetrator are at home, insisting on the presence of both parties. Moreover, the police do not use their right to issue ERO without the consent of the victim. For example, in one case the daughter informed about the case of her mother, who had been beaten by her father and had taken refuge in an abandoned house. The police were called and although the fact was confirmed, no ERO was issued, since the female victim had a certain psycho-social profile and said that she did not want anything. The policeman who took over the case was very upset, expressing his displeasure and saying that «*why do we ask them if the woman does not want*», forgetting the obligation to issue ERO regardless of the will of the injured party. «*The difficulties that arose were not related to the restrictions imposed by the pandemic. The police simply did not comply with the procedure provided by the legislation in the area of domestic violence, including those described in order no. 360 of GPI. We overcame them by talking with police or asking for help of the GPI. Here it is also worth mentioning the reverse of the problem – there were cases when policemen with whom I previously interacted at various activities and know me, called me on some concrete cases. I think it is a good example of strengthening efforts and working together*», concluded the lawyer of Promo-Lex Association.

Ensuring the enforcement and supervision of protection mechanisms (ERO and PO)

With regard to ensuring compliance with ERO and the PO, the opinions of the specialists interviewed coincide: there are cases in which one can speak of good practices where exemplary intervention was made but there are also cases in which it was necessary to refer to the management of police in order to issue or ensure compliance with an ERO or PO.

In one case, in a district of the country, even though there was a protection order issued, the woman, victim of violence continued to sleep where she could for two weeks because the policeman did not ensure the execution and supervision of the PO. When contacted, he was trying to explain that he could not ensure compliance with

the PO, referring to the fact that although the judge ordered the obligation to leave the house, in the decision of the court there is no mention of limiting the unilateral use of the property. That is, the perpetrator has the right to use property including the right to housing. *«Indirectly, he accused us of being responsible for the non-execution of the PO on the grounds that we did not include the aforementioned aspect in the application to the court. It was an extremely tense situation at one point, the policeman appearing rather in the role of «lawyer» of the perpetrator. It was necessary to inform the police management in order to finally obtain the execution of the PO, «* said the lawyer of CDF.

In another case of non-compliance with the PO the policeman stated that *«the decision to issue the PO was challenged in the Court of Appeal, respectively, he can not execute it, which is false. Until another decision of the court is issued, the decision to issue the PO shall be enforceable. «I do not think it is about bad will in this case, but rather it is about ignorance. And it's not a single case of police showing that they are ill trained. Often they are unprepared, do not present any reports or do not know the families, etc. For example, in one of the cases, following the judge's question to police about his opinion vis-a-vis the issuance of the PO, he declared that he was against it because «the victim is not from my sector», one of the lawyers of the Center expressed regret. Here, however, we must mention that there are many situations in which police officers are notified at the last moment or are asked to participate in court hearings on cases in which they did not intervene, respectively they do not know anything about the family or the case.*

In the same context, another problem reported by the respondents was that the PO is not always immediately brought to the attention of the perpetrator, if he is not present at the meeting. *«There are situations when the PO is violated, we inform about this and ask police to start a criminal case on the violation of the PO. And we are answered that it is not possible to initiate a criminal case because the perpetrator was not officially informed that the PO was issued».*

On the other hand, it is equally true that there are cases that are difficult to manage. In one of these the victim benefited from four PO one after the other, the perpetrator being the drug addict son who in addition to violence, burned the apartment twice. When he was called and asked why he did not ensure compliance with the PO, the policeman confirmed that he knew about the existence of the PO but that *«I do not agree with the judge's decision, I have a different opinion».* One of the reasons he cited was the physical appearance of the perpetrator who in addition to addiction, also had a physical disability: *«if you saw how he looks, he is more of a corpse than a human...»*

And the case of two spouses, both doctors, was equally problematic. Although police were often called to the scene, no ERO was ever issued. Usually the perpetrator locked himself in the room, threatened to cut his veins and police left. *«I helped the woman obtain the PO, but police did not ensure the evacuation of the perpetrator from the house because he always barricaded himself in his room. For three days the woman was at home, he was there, she was calling the police, and nothing happened. Although he had a protection order, he was again looking for someone to go to during the night.»*

Cases in which police calls the victim and asks her if protective measures are respected are few. In these cases one can speak of an exception rather than a rule. Usually, police leave the phone number to be notified of the violation, but unfortunately, they do not always answer the call. Anyway, as a rule, when violating ERO or PO, the victim is called to file a complaint. *«A perpetrator can violate the PO even three times a day or even return home and if the victim does not call the policeman to tell*

him about the violation, nothing will happen. In practice, compliance with ERO and PO largely depends not on police surveillance actions, but on the perpetrator himself and his «courage». If he gets scared, than he complies, no matter how active the policeman is in this regard,» said one of the lawyers.

Finally, with reference to **lessons learned** during the pandemic, specialists mentioned empathy and the availability of adaptation to new conditions as very important qualities in working with people who need help. *«In some cases I worked very late hours, around midnight, when the victims could speak, which is very important for the proper preparation of documents.»* At the same time, in order to increase the quality of the intervention of law enforcement bodies, they came up with some recommendations.

- Drawing attention to compliance with recommendations on the response to cases of domestic violence in the context of COVID-19.
- The focus is on safety of the victim, and not on «how to get the perpetrator out of the house during the pandemic».
- The importance of working together in EMD so that all the needs of victims are comprehensively addressed, not just with regard to police.
- Reiterating the importance of implementing legislation in the field of domestic violence with prompt intervention in ensuring protection measures for victims.
- Correct and/rigorous documentation of cases, so that the perpetrator is held accountable in accordance with the seriousness of crime committed.

CONCLUSIONS AND RECOMMENDATIONS

The general state of emergency, as well as the numerous public health emergencies established on the grounds of the pandemic, have been a challenge for all. Victims of domestic violence came face to face with their perpetrators 24/24 hours, 7 days a week, and state institutions and service providers were forced to adapt their work, showing openness and flexibility. As a result of their mandate, the role of law enforcement was defining. It were the policemen who regardless of the pandemic, continued to be on the front line, their intervention protocols remaining virtually unchanged. However, this does not mean that they did not have challenges: the risk of contamination, the obligation to always wear protective equipment, the human resources crisis (infected police officers at work or insufficient staff), the unavailability of placement centers or other services operating remotely – all these required the identification of solutions. Some were effective, others less so. Each has faced these challenges differently, but the common point that should have united them all is the certainty that victims of domestic violence are double vulnerable, need support and help, and their needs have not disappeared anywhere.

In this sense, starting from the findings described above, we will continue to outline a series of conclusions that will contain in themselves those best practices, but also the challenges identified, coming to the end with a set of recommendations.

Both the conclusions and the recommendations will include a broader framework, expanding on issues not directly related to the state of emergency declared due to the coronavirus pandemic.

For convenience, the conclusions are presented following the structure of the instructions and they contain not only the point of view of the police, but also of non-governmental organizations that work directly with victims of domestic violence.

Police intervention in cases of domestic violence

During 2020, at the national level, police registered **12,970** requests regarding other information in relation to offenses and incidents related to conflicts within family of which **2,453** cases were confirmed. Compared to last year, the number of registered cases of domestic violence decreased by 4.54%, and of cases that met the constituent elements of an offense – by 10.63%.

The difference between confirmed and suspected cases constitutes **10,517**. At this stage we can only see that we have a very high rate – 81% of unconfirmed cases of domestic violence the cause is unclear from the information we had at our disposal. However, referring to the dynamics of cases of domestic violence between March and October 2020, out of 15 respondents, 9 reported an increase in their number, even if not a very significant one.

From the point of view of NGOs providing services in the field, while the representative of the Association «Promo-Lex» speaks of a decrease in cases, which is true for the whole period, specialists from the Women's Legal Center confirm this trend, but only for the first two months. Thus, if fewer cases were registered in March, there was even a decrease in their number, then the flow of beneficiaries returned to the one before the pandemic.

The trend mentioned by CDF representatives also coincides with the statistics of the free telephone support service for victims of domestic violence and violence against women. If we make a comparison between the calls received in the first three weeks of the state of emergency, that is, in March with those registered in the next period, April / May, we can speak of an increase in the number of calls by about 30 percent. However, overall there was a decrease in the number of calls.

The cause of the decrease from the beginning of the state of general emergency, which absolutely all respondents mention, is directly related to the **coronavirus pandemic** and, respectively, **imposed restriction measures**. Concern for available financial resources, adaptation to remote work and online schooling of children, getting furloughed or even job loss, thoughts of how they will pay rent or utilities – all this has generated a state of anxiety with a change in priorities, the «Silence of the victims» being explainable in this regard.

Moreover, isolation, social distancing, restrictions on freedom of movement were the necessary conditions to avoid infection with COVID-19, but also conditions for perpetrators to use methods of intensifying control and unleashing their abuses. The inability to influence the situation and solve problems arising due to restrictions led to an accumulation of tension that erupted into insults and beatings. And although the violence has not disappeared, but increased even, being in conditions of self-isolation, the possibility of women turning for help has been reduced, they are always in the sight of the perpetrator.

Reporting and registration of cases of domestic violence

Being a specialized service, all cases taken up by the hotline counselors have entered through incoming calls on the phone or through online resources. The same situation was found in the case of other two NGOs with whom we discussed, with representatives of both organizations noting that requests for legal advice came by phone or online, directly from the beneficiaries or their relatives.

As for police, all respondents mentioned that, as a rule, cases of domestic violence were identified through the Single Emergency Service 112 which citizens call directly. Another method of entry of cases of domestic violence are reports, either written by victims or other family members, or received by telephone. While some respondents said they had reports from local public authorities, others spoke of health workers as being active and not at all about mayors or social workers.

Unlike the period before the pandemic, prior to responding to any call, the police cited the need to check the *Kasper* database or through the dispatch service if people are not quarantined, including contacting the medical point if they are not infected and are being treated at home.

Half of respondents with whom we communicated said that they had no cases of domestic violence in which children were directly involved, while others mentioned that they did not notice any dynamics in this regard, the number of cases remaining constant or even decreasing. «*The pandemic did not influence anything, the child has priority being provided with all the necessary services, even if many of them were operating remotely,*» the latter said. Practically all of them referred to certain single cases, avoiding talking about any trends in this regard.

Intervention of police officers in the resolution of cases of domestic violence

«The phenomenon of violence has not changed, it has remained the same, and the needs of the victims have remained the same» is the common assessment that the interviewed police officers gave. Absolutely all of them talked about the initiation of criminal cases, but more specifically about non-criminal cases.

Although most of the interviewees mentioned that they did not notice any peculiarities of cases during this period, two of them said that more new cases have now been registered. While fewer victims were registered in 2019 but who addressed more than once, in 2020 the number of direct reports from victims increased, including requests which asked police officers to conduct only prophylactic discussions.

On the other hand with reference to the complexity of cases in the targeted period, the perception of respondents from police was different. For some the cases were mild, » *with insults, quarrels over money and a few small slaps*», while others talked about how the pandemic and the restrictions imposed during this period made the victims double vulnerable and that violence occurred in exemplary families.

When asked about the challenges, absolutely all respondents spoke about the difficulties related to compliance with protection measures. They cited the fact that this period was different not because the cases would have been more complicated, but because it was harder for them to document the procedure, which some of the respondents admit, «*moved from the house to the outside*».

On the other hand, the beneficiaries of the hot line service reported that police intervention was not always effective. There have been cases where victims have contacted the police and have been told: «*Don't you have anything better to do now during quarantine? For all the trifles you call the police... We have lots of problems now...*». There have also been numerous cases when being involved in other activities, in particular to prevent the spread of COVID-19 infection, the reaction time **to cases of violence has increased**. Situations when they were told that» *now they are gone*», that» *they are busy*», that they can come» *only tomorrow* « were signaled by several beneficiaries. Also, cases in which perpetrators are detained being released in a few hours are as common as situations in which a case of domestic violence ends with a fine.

Qualification of cases of domestic violence and penalties applied to perpetrators.

In this regard, there are some aspects that are worth clarifying. First of all, it should be noted that the existing legislation in the field of preventing and combating domestic violence, both criminal and contraventional excludes the fine from the list of measures to punish perpetrators. However, the beneficiaries of the hotline continue to talk specifically about fines when referring to the punishments applied to aggressive partners. Following the interviews we had with both the lawyers/legal officers of the centers and the law enforcement we understood why this is happening. It is a question of the different interpretation of the notion of «*family member*», some policemen do not consider ex-spouses or former partners as subjects of Law No. 45. Accordingly, the act is tackled on the basis of Article 78 CcRM or Article 69 (1) CcRM *Insult*.

A second aspect was explained by police themselves who directly admitted that

they are forced to document some cases of DV in line with art. 78 CCRM or even art. 69 (1) CCRM. «Not in all situations victims have injuries, but they are assaulted – pulled by hair or thrown objects at them, etc. In such cases forensic review shows nothing, not even insignificant injuries. Having no other means, we are forced to punish them on the basis of other articles – insult, hooliganism, although we understand that it is not fair.»

A third aspect, also mentioned earlier is about the refusal of victims to go to the forensic doctor to determine the degree of bodily injuries. If there are no other medical documents or evidence, the only evidence that matters is the forensic expert report. Without such a certificate neither the criminal prosecution body accepts the initiation of a criminal case (in case of injuries, light, medium or serious) nor the court accepts the qualification of the offense under art. 78¹, in case of minor injuries. «The law should be tougher on perpetrators and police officers should have more legal leverage to hold them accountable,» most respondents agreed, opting for introducing legislative changes to this area. «The perpetrator must be punished so that he no longer wants to commit the crime repeatedly. Unpaid community service is not a fair punishment either – it is executed superficially because they have relatives in the city hall, and the perpetrator understands that something more serious can not happen to him and continues to be aggressive.»

Requesting forensic medical examination

«There were no problems,» Forensic examiner has been working permanently,» On all cases of violence we directed victims to forensic examination,» If the victim did not have money to travel, we helped her,» We accompanied them to the forensic examiner,» If the victim had no means of transportation, we took her by car,» said most of the policemen with whom we discussed when they were asked if they referred them to forensic examination. The difficulties that were reported concerned the lack of a forensic examiner in each district, which implied a greater distance to travel, but also the fear of becoming infected with COVID-19 with medical institutions being viewed as the main areas of contamination. Both reasons initially discouraged victims from obtaining this document establishing injuries. However, when asked about the challenges, 90 % of those surveyed said that the instrumentation/documentation of domestic violence cases was hampered not so much by the pandemic, as by the specifics of victims of domestic violence, about 30 % of them failing to arrive to forensic doctor.

The position of the law enforcement was also partially confirmed by representatives of civil society. In many cases victims were directed, in other cases not and victims having to go alone and pay for this examination. There were also cases when beneficiaries went directly to the Forensic Medicine Center to obtain a report on findings or a report of forensic examination without filing a complaint with police. The reasons cited by women are different: that they did not know, that they do not trust, that they are afraid because he has connections in police, etc. But there were also situations when although they were offered a remedy, people refused to go because «there is no forensic examiner in the district» or «the bruises were small and «hard to see».

In this regard, several policemen opted to remove the obligation to prepare the forensic report in cases documented under art. 78¹ Contravention Code, which would ensure a certain punishment for the perpetrator.

Mechanism for finding and assessing risks in cases of domestic violence and issuing the emergency restraining order in cases of domestic violence

According to official data, **4,939 emergency restraining orders** were issued during 2020, up 14 % from last year. Although at the national level we have seen an increase, the statements of the respondents with whom we discussed were different. While half of police officers spoke of a decrease, the lowest number being only eight ERO issued in the entire period, others spoke of a significant increase. One of the police officers in whose region the number of ERO issued decreased twofold blamed this decrease on the negligence of staff.

As for the **mechanism for finding and assessing risks during** the pandemic period, it was no different from other periods, the difference is the mandatory wearing of protective equipment (mask, gloves, etc.). All respondents indicated that this was done on the scene and with completing the risk assessment questionnaire on the scene.

In this context, the difficulty most often invoked by police is the dilemma of where the perpetrator will go, especially in a pandemic situation or in winter. Some of the interviewees admitted that in most of the orders issued, in order to protect the perpetrators but also other people with whom they could have come into contact, there was no obligation to leave the home by the perpetrator but only the restriction to keep distance and not approach the victim.

Contrary to the statements of police, the information provided by the victims who called the hot line 0 8008 8008 shows that the situations when the representatives of law enforcement agencies **avoided issuing ERO due to the state of emergency** were multiple. Most often the arguments that were invoked focused on the needs of perpetrators they were a particular priority during this period rather than ensuring security for victims and children. «Where will he go? «or» Who's going to accept him now that everyone's locked up in the house, now that it is quarantine? «or' Let him go home, as he has nowhere to go, he promised that he would not be violent anymore', were the most common lines.

And the representatives of the CDF when they referred to this, they also talked about the transfer of police obligations to them, stating that there have «been a lot of cases when women complained about the violence they were subjected to when the police have had to issue ERO, but their action was reduced to the phrase, «Go to the CDF, and they're going to assist you with the necessary protection.»

However, the most difficult to manage were situations where on the one hand **the issuance of ERO was necessary** but also the **quarantine was mandatory**.

When asked if they had situations in which the **subjects of domestic violence were in quarantine or self-isolation**, half of the interviewees stated that they had not faced such situations, while the other side admitted that they had such cases. The biggest problem was to document them, because they had to equip themselves properly. In the above context, two of the staff with whom we discussed testified that when they had cases of domestic violence in which either one of the spouses or both were in self-isolation and violated this regime, they were punished specifically for violating the regime and not for domestic violence.

Here we should to specify that in *the recommendations on the response to cases of domestic violence in the context of COVID-19* developed by MHLSP, it is written that: «...in cases where persons who report cases of domestic violence or family abusers are

under mandatory self-isolation, police will provide alternative measures to isolate the abuser from the victim without being exposed to the risk of infecting the population in the immediate vicinity of the perpetrator (**taking perpetrators to hotels/primary/secondary healthcare units, etc.**). Unfortunately, this recommendation does not seem to be a viable one and it is practically impossible to translate it into practice. And that's because:

- the takeover of perpetrators by hotels implies a state policy in this regard, including the issuance of government decisions and the development of exact protocols; the mandate that a policeman has does not allow him to make decisions in this regard;
- perpetrators do not have sufficient financial resources to pay for their accommodation in a hotel if they would still be accepted there without talking about other problems that need to be solved, such as their food;
- during this period the medical system hardly copes with the situation, being overburdened; in this situation, it is difficult to imagine it as a placement for family perpetrators.

That's why, respondents have admitted that as a rule, they have explored the possibility of housing for women and children in the family, or even the victims themselves decided to leave their home rather than drive the perpetrator out of the house, saying: *«let him stay here, I'll go because I've got places to go, to parents, daughter-in-law, the next of kin».*

Another difficulty mentioned lies in the fact that although legislative changes have been introduced where it says black and white that an order can also be issued outside the victim's home, the police officers issues ERO only when the victim and the perpetrator are at home, insisting on the presence of both parties. Moreover, the police officers do not use their right to issue ERO without the consent of the victim.

Application and enforcement of measures of constraint

Most of police officers with whom we discussed said that they had such situations and they started criminal cases, however most of them were non-criminal cases. Only the number of initiated case differs. While some of the police officers said that the number of cases was higher, putting this on account of information campaigns and the fact that the policemen unlike other state employees operated under the normal regime, others speak of a decrease in cases, explaining this by issuing ERO that prevents/replaces the need for arrest, but also by the lack of evidence that is necessary in such cases.

Asked if the pandemic somehow influenced the application and enforcement of measures of constraint, most respondents only cited problems related to the postponement of hearings by the courts, in some districts they only work on certain days.

At the same time, there were no cases in which the perpetrators were infected, which would have made it difficult to arrest them. Instead there were police officers who talked about how they were cursed and threatened by disgruntled perpetrators when they were detained or when they had to leave the home having restrictions imposed by ERO or PO.

Measures to prevent cases of domestic violence (primary, secondary, tertiary)

Compared to other activities carried out by police, the work of preventing cases of domestic violence suffered the most. At least this was mentioned by police officers with whom we discussed. During the state of general emergency all activities were canceled, priority was given to informing the population about protective measures against the spread of the COVID-19 virus.

Later with the relaxation of restrictions with the exception of three people, the rest of specialists spoke about resuming preventive activities. But unlike previous periods, all information and prevention activities were organized outside, in open air – on the street, in the park, in the center of the village with the observance of security measures and social distance. As an alternative, local media sources, including radio broadcasting were used.

Having analyzed this aspect, several policemen mentioned that the population did not have the same openness that it had previously, not all of them were taking leaflets or other materials even if they were outside. That is why, some of them said they limited themselves to placing/posting information at police stations in the regions, on the web pages of district councils, city hall or even on Facebook.

Regarding the nominal record of perpetrators, the respondents stated that the pandemic did not cancel the obligation to keep their nominal record, the work style remained unchanged, but they needed to respect the protection measures. While some policemen talked about daily prophylactic activities, others – about weekly or even monthly checks. If people were self-isolating or were in quarantine the monitoring was carried out exclusively by telephone.

Protection of victims of domestic violence

Assisting the victim in obtaining the protection order

In response to the question about the number of protection orders issued during the period in question, opinions were split. The common point was about informing victims about the possibility of obtaining a protection order, all police mentioned that when they wanted to do so, absolutely all victims benefited from the necessary support to fill in the application in order to obtain a protection measure.

CDF lawyers disagreed with this statement by the police officers, specifically emphasizing the lack of information as the biggest problem and not the tool itself. They stated that usually the police issue ERO that expires quickly, the perpetrator returns, violence continues and victims do not know that during this period they can apply for a protection order.

As for the number of PO issued, policemen are divided into two camps. The first pointed to a noticeable decrease in requests for protection orders, while the second pointed to a doubling of the number of orders issued. Those who spoke about the increase made it clear that they did their best to obtain a PO precisely in order to prevent the increase in the number of criminal offenses – to avoid escalating conflicts, the police prefers to file a request with the court on the issuance of the protection order. On the other hand, interviewees who indicated that the number of PO has decreased, explained this fact by actively implementing emergency restraining orders, stating that having an ERO issued, the perpetrator *«realizes the consequences and changes his attitude»*.

Information about the issuance of PO. Enforcement and supervision of protection mechanisms (ERO and PO)

Regarding the surveillance/monitoring of ERO and PO, all the staff of the law enforcement agencies stated that the pandemic did not impose anything new or special, some even saying that due to the fact that they were obliged to patrol through villages and inform through megaphones the population about compliance with measures to prevent the spread of infection, they were also supervising the compliance with ERO and PO. Nothing special compared to other periods – by telephone through prophylactic discussions or visits to the victim's home.

Contrary to the above statements, NGO representatives said that there are extremely few cases in which the policeman calls the victim and asks her if protection measures are respected. «*Here we can talk about an exception rather than a rule,*» the lawyers said, adding that police usually leave the phone number to be informed of the violation, but unfortunately they do not always answer the call. In response, the police complained that» *the victim herself allows the perpetrator to enter the house*», expressing regret that the law does not provide for the victim to be held accountable if she receives the perpetrator at home, the tendency to blame her is obvious.

Reflecting on the given situation, one of the officers specified that during the emergency situation, monitoring of perpetrators through electronic bracelets is the perfect solution that on the one hand would ensure better supervision of compliance with the Protection Order and on the other hand, would minimize the risk of infection.

The opinions of interviewed specialists converge that there are cases in which we can speak of good practices, when exemplary intervention was made, but there are also cases in which it was necessary to refer the management of police inspectorates to execute or ensure compliance with an ERO or PO. The reasons given by police, like they can't ensure the implementation and supervision of the order, that «*the PO has been challenged to the Court of Appeal,*» or that «*the decision of the court does not mention the restriction on the unilateral use of property; that is, the perpetrator has the right to use the property and housing,*» or «*I don't agree with the decision of the judge, and I am of a different opinion,*» these were brought up as examples by the lawyers of the CDF.

There were several voices of police officers who mentioned the «*too lenient*» punishment applied by judges in the case of violation of protection orders and it is about unpaid hours of community service.

Multidisciplinary resolution of domestic violence cases

Although they met less often communicating more on the phone, although local authorities worked more from home, representatives of law enforcement specified that when needed, multidisciplinary teams (EMD) were convened, and measures to prevent the spread of infection were respected. However, some of the respondents mentioned that it was precisely because of the pandemic that the EMD meetings were convened after several cases were collected, which reduced the speed of the intervention.

When asked which were professional groups they interacted best with, they all mentioned a good collaboration with local public authorities, social workers and doctors. They also mentioned the multidisciplinary teams that did not stop their work even during the pandemic. However, one difficulty mentioned was the one related to placement centers, especially when the placement of children was necessary.

Starting from the above-mentioned conclusions and taking into account both the position of law enforcement bodies and that of specialists in the field, we provide a set of recommendations the implementation of which we hope, will contribute to improving the police response to cases of domestic violence.

- *Supplementing the « Instruction on police intervention in preventing and combating cases of domestic violence» with a special chapter that would describe exactly the specifics of police intervention in case of the state of emergency.*

Although police was one of the structures that regardless of the state of emergency continued to exercise their duties on a regular basis, completing the instructions with a chapter describing exactly the steps to be followed and the measures to be followed, so as to exclude interpretations would ensure a uniform response of law enforcement bodies.

- *Regardless of the state of emergency, be it general or in public health, the principle on which the intervention of law enforcement bodies must be based is the prevalence of the HIGHEST INTEREST of the victim.*

All the fundamental national and international acts in the field of human rights make it very clear that in cases of domestic violence, ensuring the safety of the victim and her children is superior to the needs of perpetrators. Whether or not a state of emergency is instituted, reasons such as «how to get the perpetrator out of the house during the pandemic», «where will he go now», «I can do nothing because of the pandemic» or «he must stay in the house, not walk on the roads» have no place and constitute a violation of human rights.

- *Adaptation of preventive measures to the conditions of the state of emergency.*

The use of alternative sources in carrying out the work of prevention and information of the population ensures the continuous nature of activities; the use of local media sources, including radio, posting information on the web pages of district councils, town halls or even on social media are just some of these alternatives. Even during the state of emergency, the total cancellation of preventive measures is not appropriate, especially when talking about domestic violence. Isolation, social distancing, restrictions on freedom of movement – all these conditions imposed by the state of emergency lead to an increase in the methods used by perpetrators to intensify their control and unleash abuses. Victims need to know that even in exceptional circumstances they can call for help.

- *Completing the staff with new units and specializing some employees responsible for cases of domestic violence.*

At police level, the establishment in each unit of the function of specialist/chief officer specialized exclusively on cases of domestic violence would streamline their documentation, ensuring a more prompt response to cases of violence. At the same time, this specialist will be the resource person for other professional groups or specialists within the centers that provide services to victims, which will ultimately ensure a multidisciplinary approach to cases.

- *Supplementing the number of employees in the event of states of emergency is a necessity that must be taken into account.*

During the pandemic the reaction time is longer, the documentation, which is also a voluminous process, takes even more time precisely because protective measures must be respected. Given that a policeman oversees 4-5 localities, he should respond

to calls, participate in meetings of multidisciplinary teams, therefore adding more police officers is a must.

- ***Adequate equipping of police officers, including with ICT means.***

During the pandemic, when some of the activities have been adapted to special conditions, the provision of ICT means, including access to the Internet is essential. In this regard, providing police officers with personal offices, equipped with computers, unlimited phone subscriptions would streamline their intervention, excluding situations where personal resources are used to ensure the monitoring on the phone or personal vehicle for travel.

- ***Thematic trainings and seminars focusing on the use of video conferencing platforms.***

Several respondents said they felt the lack of training during this period. Being forced by the situation to operate in the state of emergency, they often acted intuitively, having no one to ask how they should proceed in newly emerging situations with whom to consult on the issuance of ERO when the family is quarantined, for example. At the same time, the new legislative amendments entered into force on 03.01.2021,¹³ whereby compliance with the protection orders is monitored through electronic bracelets are viewed as a very effective method, namely in situations of state of emergency. However, the police admitted that «*we do not know exactly how this tool works*», training in this regard is welcome. And last but not least, the training of specialists in the use of communication-collaboration platforms, starting from the installation of video-conference applications, their selection according to needs, as well as tutorials on their use are urgently needed.

- ***Correct and rigorous documentation of cases so that the punishment applied to the perpetrator corresponds to the gravity of the committed act.***

Although we understand the point of view of police officers in terms of the specifics of victims of domestic violence (they change their minds, refuse to do the examination, settle, etc.), the legislation in the area gives them sufficient leverage to ensure the immediate safety of victims. An ERO can be issued regardless of the will of the victim and does not imply the physical presence of both parties. Compliance with relevant legislation and methodical instructions is mandatory, and complete and complex documentation of the case leaves no room for interpretation. The duty of the policeman is to intervene effectively, as often as necessary. It already depends on the victim whether or not they use these rights.

- ***Exchange of best practices/peer to peer.***

Because the psychosocial portrait of the subjects of domestic violence is as complex as possible, often the qualification of cases of domestic violence is a challenge for law enforcement. In this sense, the «legal avenues» identified by some police officers that allow for a better investigation of cases should be shared with colleagues in the system.

- ***The conclusion of partnerships with civil society organisations, providing services in this field, so as to cover the needs of placement, legal or psychological assistance.***

Whether active at national or local level, even during the period of emergency, NGOs continued to provide services for DVV. Although required to adapt their work

¹³ https://www.legis.md/cautare/getResults?doc_id=122005&lang=ro. Law no. 85 of 11.06.2020 on the amendment of some normative acts.

as well, being under the umbrella of a national coalition, they can more easily identify certain temporary solutions but which can cover identified needs, including financial ones. For example, the preparation of psychological assessment reports, requested by some of the staff, following online counseling sessions with DVV or SVV were equally qualitative and effective.

AND FOR THE END...

When asked **what they have learned** during this period, both police officers and representatives of specialized services mentioned empathy and availability of accommodation/adaptation to new conditions as very important qualities. *«We learned how to protect ourselves, to be cautious, that life and health have priority, but at the same time that the law remained the same and must be respected,»* the respondents testified, stating that only they started to appreciate how was it to work before the pandemic, *when «they did not have to equip themselves, when they could move and breathe freely».*

Answering the question of **what was** missing during this period, some spoke about the unavailability of placement centers, specialized services for VDV, lack of psychological services to be able to document cases of psychological violence effectively, others about **«population support»**.

«Police fought very hard against the spread of the COVID-19 infection, but in the end only doctors were «heroes». There were situations when police officers were also infected with COVID-19, namely because they interacted in the process of working with an infected person. This, however, remained in the shadows. Police officers work 24/24 but they are not always paid for overtime. Policeman has family, and the family needs him. This interview helped me to some extent, to exteriorize this and speak up.»

